

COUNCIL MEETING

FEBRUARY 10, 2016

The Council Meeting of the Council of the County of Kaua'i was called to order by Council Chair Mel Rapozo at the Council Chambers, 4396 Rice Street, Suite 201, Līhu'e, Kaua'i, on Wednesday, February 10, 2016 at 8:38 a.m., after which the following Members answered the call of the roll:

Honorable Mason K. Chock

Honorable Gary L. Hooser (*present at 8:48 a.m.*)

Honorable Ross Kagawa (*present at 10:02 a.m.*)

Honorable Arryl Kaneshiro

Honorable KipuKai Kuali'i

Honorable JoAnn A. Yukimura (*present 9:09 a.m. to 10:21 a.m.*)

Honorable Mel Rapozo

APPROVAL OF AGENDA.

Councilmember Chock moved for approval of the agenda as circulated, seconded by Councilmember Kaneshiro.

Council Chair Rapozo: Discussion? Public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion for approval of the agenda was then put, and carried by a vote of 4:0:3:0 (*Councilmembers Hooser, Kagawa, and Yukimura were excused*).

Council Chair Rapozo: Motion carried. Next item, please.

MINUTES of the following meetings of the Council:

December 16, 2015 Council Meeting

January 13, 2016 Public Hearing re: Bill No. 2609

January 21, 2016 Special Council Meeting

Councilmember Chock moved to approve the Minutes as circulated, seconded by Councilmember Kaneshiro.

Council Chair Rapozo: Discussion? Public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to approve the Minutes as circulated was then put, and carried by a vote of 5:0:3:0 (*Councilmembers Hooser, Kagawa, and Yukimura were excused*).

Council Chair Rapozo: Motion carried. Next item, please.
Interviews.

INTERVIEWS:

JADE K. FOUNTAIN-TANIGAWA, County Clerk: Chair, the next item are interviews. The first interview with Sharron Weber, I do not see her at this time.

FIRE COMMISSION:

- Sharron Weber – Partial Term ending 12/31/2016

CHARTER REVIEW COMMISSION:

- Michael G. Perel – Term ending 12/31/2018

Council Chair Rapozo: Sir, good morning. Right up in the front.
Thank you for being here today.

MICHAEL G. PEREL: Thank you for having me.

Council Chair Rapozo: You have been recommended for the Charter Review Commission. With that, I will give you a few minutes to give an overview of yourself and then we will open it up for any questions. Everyone has a copy of your application as well as your resume. With that, tell us a little bit about yourself.

Mr. Perel: Thank you. We have been on Kaua'i since December. I am sorry. For the record, Michael Perel, P-E-R-E-L. I am a resident of 'Ele'ele. We arrived on Kaua'i in December of 1994. So I guess we are going into close to twenty-two (22) years now. I recently retired within the last two (2) years as the Chief Financial Officer of the Kaua'i Region of Hawai'i Health Systems Corporation. I was responsible for the financial health of Kaua'i Veterans Memorial Hospital (KVMH), Samuel Mahelona Memorial Hospital, and the series of clinics we have on the island. In my previous life, I was an elected member of the Town Provincetown of Board of Selectmen. I spent a number of years as the Chairman of their town Finance Committee, and I was an appointee to the Cape Cod National

Seashore Advisory Commission appointed by the Secretary of Interior. I find the challenges of municipal governance to be vast and at the same time, very interesting. Now that I have time on my hands as a retiree, my wife continues to work. She refuses to stay home with me. I think that I have something that I have to offer, particularly in the area of the Charter because I look at it as the governing document and also as a way for the public to gain access to whatever changes, adjustments, or modifications they might want to make to government. So that is basically what I bring. If I can be useful to you, I am more than happy to serve.

Council Chair Rapozo: Thank you very much. Any questions?
Comments? Councilmember Chock.

Councilmember Chock: Mr. Perel, thank you for being here. I appreciate your willingness to serve. I noticed in your application, you mentioned you are interested in developing new ideas beneficial to Kaua'i. I just wanted to ask what some of those ideas might be that you have.

Mr. Perel: What I have found in government in my years on Cape Cod, and we were a totally different structure. We worked on that old fashioned town meeting form of government. It was a form of democracy that is basically limited to New England. Once, and sometimes twice a year, the entire town, we had about five thousand (5,000) year round residents, got together in town hall and voted on every single Article governing the town. Every budget item, line-by-line, was voted on. We would spend sometimes two (2) weeks, night after night after night going through it, and we were always open and able to come up with tweaks, changes, modifications, and ideas. So without being intimately involved in the governance of Kaua'i, it is difficult for me to look at any particular thing. But I am always open to ideas that would be beneficial, particularly in efficiency and to get the public more involved.

Councilmember Chock: Thank you. That has been a concern, I think, of recent criticism in how we can engage in community in a larger way to go through the process of what you folks, which is a really important job. Thank you very much. Thank you, Council Chair Rapozo.

Council Chair Rapozo: Thank you. Any other questions?
Councilmember Kaneshiro.

Councilmember Kaneshiro: Hey Michael. I am happy you are on the Charter Review Commission, but looking at your background, I would think that the Cost Control Commission would also be a good viable option for you. Accounting background and working in finance with all of the other places you have been with your experience. I am still happy you are willing to volunteer and be on the Charter Review Commission. It is less of a question and more just of a comment.

Mr. Perel: No one is mad at me yet. So by staying away from the Cost Control Commission, we could possibly...

Councilmember Kualii: I do want to say good morning and thank you for stepping up and being willing to serve.

Mr. Perel: Good morning.

Councilmember Kualii: My question is along the lines with what Councilmember Chock was talking about. It sort of has to do with engaging the public more. Surely the Charter Review Commission, as they consider different potential Charter Amendments, they have a public meeting and the public can come. It does not seem that the public has used the petition initiative, the process of coming forward and the citizens themselves doing the petition to put forward a Charter Amendment much. I do not know if it is because no issue is that important or they are not necessarily aware of what the process is, and what it takes. I wonder if, as a member of the Charter Review Commission and wanting to try new things, if you might not get the Charter Review Commission to kind of provide more outreach and education to the public, not only about your process for making Charter Amendments, but about the petition process.

Mr. Perel: Well, I think the challenge is always public engagement.

Councilmember Kualii: Yes.

Mr. Perel: We see that on a National scale. To get the public involved, to make them feel that you are going to respond even if not always positively, at least to give them a hearing and reach out to say if you come to us with something, we are going to discuss your idea, give it a fair hearing, and allow you to speak to it. If we feel it is something worthwhile, then we can pursue it and perhaps give the greater public a chance to vote on it. I have always been in favor of the more public input, the better.

Councilmember Kualii: Right, and then even if it came to the Commission and the Commission did not decide to pursue it, that you would ensure that they have the ability to go and pursue it themselves, just as a citizen with the petition process.

(Councilmember Hooser was noted as present.)

Mr. Perel: Yes. I think that is critically important that they know that. The more knowledgeable they are on the machinations of government, the more input you have, I think the less grumbling you have on the backside.

Councilmember Kualii: Yes. Thank you so much.

Council Chair Rapozo: Thank you. Any other questions? If not, thank you very much, sir. I appreciate that.

Mr. Perel: You folks are on time too.

Council Chair Rapozo: Thank you.

Mr. Perel: Early. I love it. Thank you.

Council Chair Rapozo: Thank you. Next.

CIVIL SERVICE COMMISSION:

- Fely L. Faulkner – Term ending 12/31/2018

JAY FURFARO, Boards & Commissions Administrator: I am sorry if I have stepped in front of Fely for a moment. Council Chair Rapozo, I want to inform you that Sharron Weber, who was on the agenda for your first interview, due to some urgency at her business, she will not be able to make it today. Thank you

Council Chair Rapozo: Thank you.

FELY L. FAULKNER: Good morning.

Council Chair Rapozo: Good morning, Ms. Faulkner. You have been recommended for the Civil Service Commission. As we do with all the applicants, we give you an opportunity to give us an overview of yourself and then we will open it up for any questions from the Councilmembers.

Ms. Faulkner: Very good. Thank you very much for the opportunity to be here before you this morning. My name is Fely Faulkner. I have been away from Kaua'i for almost fifty (50) years and I have finally come back after being gone. I was born and raised in Kaumakani and all of these years, I have been in the health care industry. I just wanted to give back to the community here on Kaua'i as I had done on the island of O'ahu. Thank you.

Council Chair Rapozo: Thank you. Any questions? We all have a copy of your application.

Ms. Faulkner: Very good. Thank you.

Council Chair Rapozo: Councilmember Kualii.

Councilmember Kuali'i: I do not really have a question, but I just want to say welcome home. I remember the feeling when I moved home after being away for fourteen (14) years or so. It is a long time.

Ms. Faulkner: It is.

Councilmember Kuali'i: And visiting is not the same as moving back home.

Ms. Faulkner: Thank you.

Councilmember Kuali'i: Welcome home and thank you for stepping up and being willing to serve our community.

Ms. Faulkner: Thank you very much.

Council Chair Rapozo: Any other questions? I think for the public, the fact that we do not have any questions does not mean we do not have any interest. It is just that your application is complete and I think I speak for the rest of the Councilmembers that you have answered any potential questions that we may have had. Thank you very much.

Ms. Faulkner: Thank you.

Council Chair Rapozo: Okay. Next.

COST CONTROL COMMISSION:

- Tyler R. Rodighiero – Term ending 12/31/2018

TYLER R. RODIGHIERO: Am I on?

Council Chair Rapozo: Yes, you are on.

Mr. Rodighiero: Tyler Rodighiero for the Cost Control Commission.

Council Chair Rapozo: I think you were in here when I explained it. Just a few minutes. Give us an overview why you want to serve, and then we will open up for questions. You are here for the Cost Control Commission.

Mr. Rodighiero: Yes. I am on other Boards. I am trying to give back to the community that I do business in. The Cost Control Commission seemed like a fitting Board for me and as pretty much being a general contractor, all I do is budgeting, in which the whole thing is just budgeting. I actually do not swing

hammers too much anymore, and putting it in the perspective to try to help the State or the County try to figure out ways to save money as the same way I do as a business.

Council Chair Rapozo: Okay. Any questions? Go ahead.

Councilmember Kualii: Let us see how I can make this a question. Good morning, and thank you for your willingness to step forward and serve. I think for me, that potentially the Cost Control Commission could be serving a really important role, especially prior to the Council coming up on budget. Do you foresee, and it clearly talks about that you would review personnel costs, real property taxes, travel budgets, contract procedures, and things like that, do you foresee really getting in there, digging in, and trying to find ways to save the County money in the budget?

Mr. Rodighiero: That would be my goal. As being involved as much in the community that I am, I see there is a need for the Cost Control Commission to give more money to different areas of the County. I definitely could see myself trying to look at it as closely as I can, everything that there is. I have not seen everything as of now until I am on the Board.

Councilmember Kualii: Sure.

Mr. Rodighiero: So I really could not tell you anything further than that.

Councilmember Kualii: Thank you.

Council Chair Rapozo: Any other questions? This one, I do want to make a few comments because like Councilmember Kualii, the Cost Control Commission can be a very vital part, game-changing, if you will, Commission. I do not think that we have utilized that Commission since...in fact when I got elected in 2002, the Cost Control Commission was not even in place. It was in the Charter, but it was not filled. I remember when I was brand new here and I started reading through the different Commissions, and I questioned why this one would not be filled because it plays such a vital role. I am not going to mention names, but a former Mayor told me, "Because Mayors do not like Cost Control Commissions." Since then, we have had some recommendations by the Cost Control Commission, but for the most part, it was in the way of how we can increase revenue, which is not the Cost Control Commission's function. I just want to make sure you understand. I think you read the Charter, and I want to read it because I think the public needs to hear it, I think we need to remind ourselves on the Council, and I think the Commissioners need to be reminded of what their role is. Let me just read what the Cost Control Commission's role is. "The commission shall review personnel costs, real property taxes, travel budgets, contract procedures; review with the aim of eliminating programs and services available or more efficiently supplied by other governments or organizations; eliminate or consolidate overlapping or duplicate programs and services; and scrutinize for reduction any county operation." That is what the job is.

So it is not go find ways to increase revenue like raising golf course fees. That is not cost control. Cost control is taking a look at the existing programs, personnel costs, looking at Departments, and determining if in fact, there is a duplication, determining if in fact, there is a way we could do this cheaper, if there is a way we could work with the State to combine it, whatever the Commission feel is appropriate. I think I read your resume. It is right up your alley because that is what you do. I just want to make sure that you are aware, going forward, that is your sole function. I do not care what anybody tells you. The power of this Commission, unlike any other Commission, and this is the next section, Reports. "The commission shall prepare and advertise a written annual report summarizing its recommendations prior to the end of each calendar year. Thereafter, the commission may request that any of its recommendations be drafted in ordinance form for its introduction through the mayor. The mayor shall, with mayor's comments thereon and within thirty (30) working days of receipt, submit to the council for its immediate consideration all ordinances proposed by the commission." What that means is that if the Commission feels that there needs to be a change, you send that request over to the Mayor's Office, the Mayor's Office has no choice. They can put comments, "I disagree," but they cannot say "no." That ordinance needs to come to this body within thirty (30) days and then it goes through first reading, public hearing, Committees, and all of that. That is how it is supposed to be run. So I guess I am asking you, is that your intent?

Mr. Rodighiero: That is my intent.

Council Chair Rapozo: Thank you. Any other questions? If not, thank you very much.

Mr. Rodighiero: Thank you.

Council Chair Rapozo: Okay the next interview is scheduled for 9:30 a.m. Did we want to just continue on the agenda? Why do we not do that?

Ms. Fountain-Tanigawa, County Clerk: Chair, this is back to the Council Meeting agenda on page 2.

There being no objections, the Consent Calendar was taken out of order.

CONSENT CALENDAR:

C 2016-29 Communication (01/15/2016) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Glenda Y. Nogami Streufert to the Planning Commission (At-Large) – Term ending 12/31/2018.

C 2016-30 Communication (01/28/2016) from Councilmember Kualii, transmitting for Council consideration, a Resolution Expressing the Support of the Council of the County of Kaua'i for the Federal Equality Act, and Urging the United State Congress to Ensure Its Swift Passage.

C 2016-31 Communication (02/01/2016) from Council Chair Rapozo, transmitting for Council consideration, a Resolution Relating to An Electronic Records Storage Policy for the County of Kauaʻi.

Councilmember Kualifi moved to receive C 2016-29, C 2016-30, and C 2016-31 for the record, seconded by Councilmember Kaneshiro.

Council Chair Rapozo: Any discussion? Public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to receive C 2016-29, C 2016-30, and C 2016-31 for the record was then put, and carried by a vote of 5:0:2:0 (*Councilmembers Kagawa and Yukimura were excused*).

Council Chair Rapozo: Motion carried. Next item, please.

COMMUNICATIONS:

C 2016-32 Communication (12/10/2015) from the Civil Defense Manager, requesting Council approval to dispose of the following government records, pursuant to Hawaiʻi Revised Statutes (HRS) Section 46-43 and Resolution No. 2008-39 (2008) as amended, which have been kept for over seven (7) years and are no longer of use or value:

- County Departments' Correspondence
- Deposit Slips
- Expenditure Plan
- Federal Correspondence (Federal Emergency Management Agency (FEMA), etc.)
- Hurricane Iwa Records
- Inventory
- Kauaʻi Civil Defense outgoing correspondence, training lists, and ID card lists
- Payroll Records
- Personnel Files
- Purchase Orders and Requisitions
- Siren Test Reports
- State Civil Defense Correspondence
- State Department Correspondence
- Weather Alerts, Hazards (natural or man-made) Logs
- Miscellaneous Files

Councilmember Kaneshiro moved to approve C 2016-32, seconded by Councilmember Kualifi.

Council Chair Rapozo: Discussion? Public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to approve C 2016-32 was then put, and carried by a vote of 5:0:2:0 (*Councilmembers Kagawa and Yukimura were excused*).

Council Chair Rapozo: Motion carried. Next item, please.

C 2016-33 Communication (01/13/2016) from the Fire Chief, requesting Council approval to accept a donation from the Department of Defense, valued at approximately twenty-two thousand dollars (\$22,000), of the following:

- A utility trailer to be used to transport the All-Terrain Vehicle (ATV); and
- Various general mechanics' hand tools for use by the Kaua'i Fire Department's two (2) mechanics.

Councilmember Kualii moved to approve C 2016-33 with thank-you letter to follow, seconded by Councilmember Chock.

Council Chair Rapozo: Thank you. Any discussion? Public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to approve C 2016-33 with thank-you letter to follow was then put, and carried by a vote of 5:0:2:0 (*Councilmembers Kagawa and Yukimura were excused*).

Council Chair Rapozo: Motion carried. Next item, please.

C 2016-34 Communication (01/21/2016) from the Director of Finance, transmitting for Council information, the Periods 1-5 Financial Reports – Detailed Budget Report, Statement of Revenues (Estimated and Actual), Statement of Expenditures and Encumbrances, and Revenue Report for July 1, 2015 to November 30, 2015, pursuant to Section 21 of Ordinance No. B-2015-796, relating to the Operating Budget of the County of Kaua'i for the Fiscal Year 2015-2016: Councilmember Kualii moved to receive C 2016-34 for the record, seconded by Councilmember Chock.

Council Chair Rapozo: Discussion? Public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to receive C 2016-34 for the record was then put, and carried by a vote of 5:0:2:0 (*Councilmembers Kagawa and Yukimura were excused*).

Council Chair Rapozo: Motion carried. Next item, please.

C 2016-35 Communication (01/22/2016) from the Life's Choices Kaua'i Coordinator, requesting Council approval to receive a monetary donation from Akamai Choices, of one thousand two hundred seventy-six dollars and eighty-three cents (\$1,276.83), which was raised during the 2012 Mayor's Cup Golf Tournament and will be used for Life's Choices Kaua'i programs: Councilmember Kualii moved to approve C 2016-35 with thank-you letter to follow, seconded by Councilmember Chock.

Council Chair Rapozo: Discussion? Public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to approve C 2016-35 with thank-you letter to follow was then put, and carried by a vote of 5:0:2:0 (*Councilmembers Kagawa and Yukimura were excused*).

Council Chair Rapozo: Motion carried. Next item, please.

C 2016-36 Communication (01/26/2016) from Council Chair Rapozo, transmitting for Council consideration, a Proposed Draft Bill to amend the relevant sections in the Kaua'i County Code 1987, as amended, relating to the amount being charged by the Kaua'i Humane Society as an impoundment fee for keeping a stray or unlicensed dog: Councilmember Kualii moved to receive C 2016-36 for the record, seconded by Councilmember Chock.

Council Chair Rapozo: Any discussion? Public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to receive C 2016-36 for the record was then put, and carried by a vote of 5:0:2:0 (*Councilmembers Kagawa and Yukimura were excused*).

Council Chair Rapozo: Motion carried. Next item, please.

C 2016-37 Communication (01/26/2016) from Councilmember Yukimura, transmitting for Council consideration, a proposed supplemental money bill to fund costs related to the additional needs of the Kaua'i Humane Society to effectively enforce the Barking Dog Nuisance Ordinance (Ordinance No. 996). (*Kaua'i Humane Society Barking Dog Enforcement - \$33,901*): Councilmember Kualī'i moved to receive C 2016-37 for the record, seconded by Councilmember Chock.

Council Chair Rapozo: Any discussion? Public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to receive C 2016-37 for the record was then put, and carried by a vote of 5:0:2:0 (*Councilmembers Kagawa and Yukimura were excused*).

Council Chair Rapozo: Motion carried. Next item, please.

LEGAL DOCUMENT:

C 2016-27 Communication (01/15/2016) from the County Engineer, recommending Council approval of a Conveyance of Easement "F," Kalapakī, Līhu'e, Kaua'i, Tax Map Key (TMK) (4) 3-6-003-072, by Līhu'e Court Townhomes Corporation, a non-profit Hawai'i corporation, of a right-of-way easement necessary for construction of and public access to the Hoala Street to Rice Street Shared Use Path, a Community Development Block Grant (CDBG) funded project, for pedestrian and bicycle access to Līhu'e Court Townhomes, Rice Camp Senior Housing and the area around Hoala Street.

- Dedication of Easement

Councilmember Kualī'i moved to approve C 2016-27, seconded by Councilmember Chock.

Council Chair Rapozo: Was there supposed to be a report back from the Department of Public Works regarding their contact with the association? I was absent. I was out at the time at the Committee Meeting, but I was told that they were awaiting...does anyone know if we got anything from them because I am assuming that the approval was conditional on them coming back. Do we have anything? Nothing?

Ms. Fountain-Tanigawa: We have not received it.

Council Chair Rapozo: Okay. Any further discussion?

Councilmember Kualī'i: When they were here last, they indicated that they reached out to, but has not heard back. Then the other part was that the path is currently in use, there is currently fencing along both sides, and that they were not going anywhere outside of those fences to interfere with either side of properties in any way. For me, I think the ownership was in Honolulu or something and that they had reached out and were waiting to hear back.

Council Chair Rapozo: Okay. I mean, that is a concern of mine simply because it is going to impact that neighborhood. An unimproved road, once it becomes improved, you get more traffic, and I think that is what my concern is. I was told that they were coming across. What is the pleasure of the...is there anyone in the audience wishing to testify?

There being no objections, the rules were suspended to take public testimony.

There being no on present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: If not, what is the pleasure of this body?
Councilmember Chock.

Councilmember Chock: I heard that there was going to be a follow-up on it so I think that I would expect that we do hear back from that response. However, I also heard that there was a time sensitivity to it in order to execute it. So I am okay with moving it forward at this time under the condition that we do hear back from Kalapakī Villas.

Council Chair Rapozo: Councilmember Kaneshiro.

Councilmember Kaneshiro: I think for me, I would just like to hear back from the Administration as far as whether they received anything back. But for me, I am fine moving forward. If they have not responded yet, we sent them a letter and the Administration has reached out. I mean, if they really had a problem with it, then I think they would have sent something back or got back to us. I am comfortable moving forward just hearing the status of what their letter or their communication was.

Council Chair Rapozo: Anyone else? Are they coming over? Yes. We do not need to hear from them if you folks are okay. I am not going support it just simply because I do not think we should move forward unless we hear back. If anything else, it is a courtesy. But I totally respect the comments that I just heard from all of you.

Councilmember Kualii: The only other thing I would add is that depending on how they tried to contact them. So if it is a matter of we need their input, but they failed to give it, at least if we covered our bases by saying like a return receipt letter or some kind of formal notification that they had their opportunity. I think the Administration might be receiving the message of them not responding as it is not a big deal to them just because even though it is an improvement, the path is a very clear path. If you have ever walked that path, it is fenced on both sides. It is a well-used path. I think the improvements will make it better for those who already use it, but I do not know that it will necessarily increase the volume of use because if the people that live in the back or visit from the front to go to the back that use that path. So everyone who needs to use that path, I believe, is already using it. But I have no problem with waiting to hear back and to have some kind of assurance that we gave the association, the adjacent folks, every right to respond and to put forward any kind of objections if they had any.

Council Chair Rapozo: For me, time sensitivity, I think, becomes a problem for this body as if we create the time-sensitivity. If we continue to defer items for whatever reason, then I can see. But if the Administration decided to go out and move forward with procurement, go out, move forward with contracts, Request for Proposals (RFPs), whatever prior to the Council approving, that is not our problem. That is not our problem. The Community Development Block Grant (CDBG) resolution was approved last year. They had a lot of time to come up and get the approval from this body. I think at some point, this body has to let the Administration know, hey, if you folks are going to move forward, do not come to us and say it is time-sensitive because it is not fair. It is not fair to me so I can get the input from the community, especially if we did not do that. We did not reach out to the community. As far as I am concerned, the time-sensitivity does not have a bearing on my decision to support or not support anything. That, to me, unless it is an emergency. If we had a flood or if we had a storm, that is something different. But this is something that we approved last year. With that, I guess I will suspend the rules without objection. Mr. Dill, if you wanted to come up. I guess the question is whether or not we heard back from Kalapakī Villas?

There being no objections, the rules were suspended.

LARRY DILL, P.E., County Engineer: Good morning. For the record, Larry Dill, County Engineer. At the last meeting we did, at Council's request, reach out to the Kalapakī Villas and spoke to their Property Manager who was on O'ahu. So it took us a little bit to track him down. But nevertheless, they contacted their Board of Directors through them, and the comments that they gave us back, they requested that the improvements we do would be to locate the path within that right-of-way so it is the opposite side from their property.

(Councilmember Yukimura was noted as present.)

Mr. Dill: Their concerns are related to noise related to the use of that facility. They recognize that the side of the right-of-way that is opposite their property right now is, as you have been down there, you will notice it is full of community gardens that are owned by Līhu'e Court Townhomes that have been there a decade or more, I think. So we thanked them for that input. They also mentioned about screening along their side and fortunately, that side is already screened pretty well with landscaping. So that is already in place. We spoke to Līhu'e Court Townhomes about that and understandably, they are not interested or willing to relocate all of their community gardens. The alignment for the path is tucked up pretty much against the gardens that are in place as far as away as possible from the Kalapakī Villas side without actually having to get in there and relocate the gardens that have been tended by Līhu'e Court Townhomes folks for the past decade or more.

Council Chair Rapozo: Okay. I am assuming they did not submit anything in writing?

Mr. Dill: Correct. I have E-mails.

Council Chair Rapozo: You do have E-mails?

Mr. Dill: I have an E-mail from them, yes.

Council Chair Rapozo: Maybe you could provide that to us. That would help.

Mr. Dill: Okay. Sure.

Council Chair Rapozo: Thank you. Councilmember Chock.

Councilmember Chock: Can you tell us, Larry, how far the pathway is from the closest building of the property that we are talking about?

Mr. Dill: I am glad Michael is here because he is closer to the details of this project. I will ask if he can share. Michael, the question that was asked was what is the closest approach between the existing Kalapakī Villas structures and the proposed pathway? Do you have a feel for that?

MICHAEL MOULE, Chief of Engineering: I am Michael Moule, the Chief of Engineering. Sorry I am out of breath. You folks moved very quickly this morning. We were not expecting to be ready this soon. Anyway, I do not know the structures themselves because we did not go on Kalapakī Villas property to measure the distance between their buildings and the property line. But the path is a minimum of nine and a half (9½) feet from the property line. I do not know the distance of the actual buildings. It does not look like the buildings are far from the property line, but it is nine and a half (9½) feet from their property line to the path itself.

We do have a presentation that explains our discussions with Kalapakī Villas and further discussions with Līhu'e Court Townhomes, if I will give me a minute. Again, apologies for not being here as you started this agenda item. We will start with an overview, and it is on the screen there. Here are the maps of this. You all have copies in front of you as well. If you look at the map on the screen, we presented this last week at Committee, but I am going to present it briefly again for the full Council. This is the Līhu'e Town Core overview. It shows all of the Transportation Investment Generating Economic Recovery (TIGER) grant project items that we presented to you all several weeks ago at the Committee Meeting, I believe. It shows how this potential path ties into the existing path that we would be paving, ties into the TIGER grant project and other Līhu'e Town Core issues. I will point at the screen to give you a sense so you can follow along on your drawings if you like. This is Rice Street here. Hardy Street here. The items in purple are the TIGER grant components. The items in orange are other projects that are somewhere along progress including Hardy Street, which is completed as you know. Umi Street, you all passed the Resolution for several years ago. Haleko Street, we are about to submit a Resolution to you for that. So it may or may not happen depending on how that goes. Then, Hoala-Rice Street path, here, is the one highlighted in yellow is the area in question today. To give you some context, Kalapakī Villas is right there adjacent to the path as we have discussed. Līhu'e Court Townhomes is at the end of the path. It was called Līhu'e Townhouse at the four (4) story or so apartment building across the street. Here is the Rice Camp area on Hoala Street. Kalena Park Senior Housing, now called Kaniko'o. Here is Rice Camp, Kaua'i Memorial Convention Hall is over here, and Elise H. Wilcox School is there.

So that is an overview of the greater area for the project. I do also want to, as I did last week, just summarize where this project has been. We came to you all to approve us applying for the grant last January. Then the Housing Agency had a thirty (30) day public notice period after they preliminarily selected this project for funding. In April, I think April 8, 2015, the Housing Agency came back to Council to have the funding approved for this project to go from Federal Housing Department funds to build this project. They are Community Development Block Grant funds that are managed by the County's Housing Agency. We are here today to finalize the last piece of the puzzle, which is to get an easement in place that allows the County to then maintain the path, and put the path, not only...it may be possible for us to build the path even if it is a private property without the easement. But in order for the path to become for-use by the public for the long-term, this easement is necessary. It is also necessary to desire or identify clearly who maintains what. If the County maintains the path itself and if other improvements in the right-of-way that have been done by Līhu'e Court Townhomes on their property would be maintained by them. So the easement essentially discusses those two (2) things. It is longer than that, of course, but the two (2) primary elements are who maintains what and allowing the public to use this as a path for perpetuity, I guess.

Here is a more detailed view of approximately where the path runs. As is always a challenge, the little yellow lines representing the property lines do not

exactly match up with the aerial image. So I will show you the actual plan view, which is more detailed and more accurate on that. Again, context-wise, Hoala Street is here. It runs off that way. Here is the cul-de-sac bulb. This is Līhu'e Court Townhomes. Here is Kalapakī Villas, all of this. The construction company baseyards and offices are in this area. Several construction companies have storage, construction equipment, and have their offices in that area. Here is a vacant lot that typically has stored vehicles on it, but it is vacant other than that, except for maybe a couple small sheds. Rice Street is here and then across the street, here is Līhu'e Court Townhomes. We already came to you for Resolution to approve this crosswalk earlier.

This gives you a bit of a sense. I will show you some picture that show it a little bit better, perhaps in a moment. But this gives you some sense of how the path relates to the buildings. The property line...there is a hedge here of Bougainvillea, I believe, that is on the fence line. The buildings, there is concrete walkway between that hedge and the buildings. So if I have to estimate it, it might be five (5) or six (6) feet between the property line and the buildings. I do not know for sure, again, because I did not go measure that. I did not go on Kalapakī Villas property or we did not go on their property to measure that. Then I am going to show you the actual plan view, and unfortunately, I printed these out, but seem to have left them at my desk. I have a couple of copies. We did pass this out last week. I think I only have one (1) copy here. If I could have someone from my office bring those, but I have the view here. Unfortunately, I did not realize I left that on my desk when I walked out this morning.

You can see it here on the screen. This is the Hoala Street end again. There is Hoala Street going that way. You start here at the top left, the path moves to the right, and this continues here at the bottom left and moves to the right again. This is Līhu'e Court Townhomes property here. It is accessed at the end of the Hoala Street. They go to about here, where there is a fence between there and Kalapakī Villas, which is this and this and all the way down to Rice Street and Kalapakī Villas. Then on the other side of the path, there is the construction company baseyard and offices, and the vacant lot as you approach Rice Street. Here is the end of the path at Rice Street, the sidewalk, the crosswalk again, which we have already come to you for Resolution on Rice Street and the Līhu'e Townhomes across the street over here. This is the property line. This is the path. At this point, it is a little closer. It is like nine (9) feet, eight (8) feet to the property line although the buildings for Kalapakī Villas do not start until here. Through here, it is about nine (9) feet from the property line. The fence does not follow the property line however. The fence is this wavy line here. It is kind of hard to see it, but it is this line right here. So it does get closer to the fence at this end, but this is after there is no more buildings. The buildings end about right here and this is parking lot for Kalapakī Villas. If I had to estimate, the path itself could be as close to fifteen (15) feet from the buildings, but again, I do not know exactly because I was unable to get on the private property of Kalapakī Villas and measure it. It would be somewhat hard to measure exactly where it is from the path as well.

I do not know what was just passed out, if it is the Kalapakī Villa's E-mail, then that shows you what I am about to show you on the screen here, that is the comments from Kalapakī Villas, and they had three (3) major concerns. One, they are concerned about noise and they the existing noise they hear from Rice Street as a concern for them now and they are concerned about noise on the path. They requested two (2) things. One, that the path be placed on the opposite side of the easement as far from their property as possible, and two, they asked that the path be screened with landscaping. Given the fact that Līhu'e Court Townhomes, at the other end of the path, has gardens on the other side of the easement, we knew that would probably be a pretty big concern for them. So after we got comments from Kalapakī Villas and we looked at the possibility of moving the path ourselves, and then we met with Līhu'e Court Townhomes to ask them for their comments and concerns about moving the path. These are their comments. The letter that was passed out details that in further detail. They provide that letter to us. We asked them to write a letter to explain their position more fully because we took notes as best we could in the meeting, but we figured a letter from them would fully explain that. They are quite concerned about moving the path. It would require removal or moving the community garden that is there. The gardens are well-established. They have been cultivated about ten (10) years. Their concerns are that the area where it is being cultivated is now very fertile soil because it is been cultivated so long and productive, and that the path area where the existing dirt path is now, which is also where we proposed to put the new concrete path, it is hard compacted soil since it has been walked on for years and driven on by maintenance vehicles, and in years past, it may have been driven on by other vehicles. I do not know the history of that property. But it is very hard compacted soil down there, and that was one of their concerns. They are also concerned that the mature trees and plants that they have in the garden area will need to be removed and replanted on the other side of right-of-way. They have many trees, papaya trees, banana plants, orange trees, kukui nut trees, and others.

Unfortunately these are collated, but they are not stapled. I have copies of the presentation for the next few slides that I am about to present, if these can be handed out. Again, I apologize for not having all of this ready this morning.

(Councilmember Hooser was noted as not present.)

Mr. Moule: We have had all of these meetings and discussions with both Kalapakī Villas and Līhu'e Court Townhomes in the short period of time since we met with you all last week. So it has taken us a little longer to get this pulled together. If you need one (1) or two (2) more, here is some more, Scott. I have a few photos that show the path area so you can see just what this looks like. They are in our handouts, but they are black and white and they are smaller. So I would recommend looking at them on the screen. This is view from Rice Street. There is this asphalt area here that we intend to remove as part of this project. As you can see, there is existing screening, and we will see more photos of this, between the path area which exists with our vehicles parked. This is what we did the survey last year to prepare our designs. So you can see our survey equipment and our vehicle

is there. Yes, this is Kalapakī Villas here on the left. The area where their parking lot is, there is no screening today probably because there is continuous asphalt, I think, between the two (2) properties right now where the fence is. So we are planning to remove the asphalt, which has no current purpose, and that could allow for additional screening to be built, to be planted between the parking lot and the path if that were desired by the two (2) property owners; that would be Līhu'e Court Townhomes and Kalapakī Villas. I do not know the history of how the screening was put in. I do know that the parcel was once one (1) parcel. Kalapakī Villas and Līhu'e Court Townhomes were once one (1) parcel. Kalapakī Villas was built first, as I understand it, and the other parcel was separated off to become the Līhu'e Court Townhomes parcel, where that was built and keeps this right-of-way or fifty (50) feet wide easement here was kept for future...it actually states for future transportation purposes, but it was not ever dedicated to the County of course.

Another picture here showing roughly just as you come down...we are going to Rice Street to the Hoala Street end here. This is just as you come off the asphalt where the car is parked, you can see the hood of the car there actually in that last picture. You can see that there already is some pretty significant landscaping and you really cannot really see into the buildings from the existing dirt path today. This is where we would propose the concrete path, outside. Here is some of the gardens. I will show you more pictures of that in a moment. This tree probably has to be removed, but it is a small tree or shrub, really. But you can see the roofs, but cannot see the buildings themselves or into windows because the landscaping is already pretty well established there, and that is Bougainvillea as I understand it. I am not a plant expert, but that is what I was told when we are out there with the community.

Here is the gardens. You can see how intensive they are and pretty significant. There are some mature trees, banana plants there, various fruit trees, and a papaya tree right there. There is a kukui nut tree in another photo in another area to the right, which we do not shown in this picture. Here are some more pictures of the garden area. Again, it is well-established as you can see. It has been cultivated about ten (10) years. They explained it in more in their letter. Again, papaya trees and banana plants. Here is the thick banana plant grove over here. We looked at that with them, and there has got to be eighty (80) plants now. They planted six (6) and as banana plants do, they have expanded and they produce a lot of bananas according to the residents. This is some sort of fruit tree, I think, they have here.

Here is a nice shot just showing how the path would continue in this existing space and does continue existing path. It is shade by some trees and some royal palms in this area. One more view. This one shows the screening also quite well. This is from near the Hoala Street end and again, you can see that the roofline of Kalapakī Villas is visible, but the rest of the buildings are not visible through the screening. Again, it shows the area where the path would run. It already does run now in dirt, but where a concrete path would run. Here is one (1) more that shows that same area. This is when we did the survey, and it was wetter. I think this one is important to note this is what the path looks like when it rains today. You get pieces

of mud, areas of mud, and puddles. With the path built as designed, it would be built to drain. It would not have standing water on it, which when it is dry, it is fairly usable by most users. But when it is wet, it becomes much more challenging to walk through or roll through if you are in a wheelchair or using a bicycle.

Here is a view from the neighbors on the other side. This is a typical construction office and right next to that is a whole bunch of construction equipment on the other side of the gardens. The gardens are there in front of us in that picture. Lastly, this is as we left our field visit. These are two (2) of the residents. This is actually a maintenance person and this is a resident. She is very involved with the gardens. Another resident came out and he was riding his bike and was about to ride through the path to wherever he was going hauling his...I am not sure what he has got there. But he was about to ride through the path and we saw one (1) other person riding through and several people walking through as we were out there looking at the gardens with them. They were explaining to us how important the gardens are to them.

One (1) last view from Hoala Street, you can see the entrance to the path right here where they currently have a chain across.

(Councilmember Hooser was noted as present.)

Mr. Moule: The path would go down. We would take out a couple of palm trees. We talked about that and they are okay with that to fit it in there and continue through that way. You can see it is existing in dirt and we proposed to put it in concrete so it is more usable by more people. Our recommendations at this point, is to leave the path location as designed. Moving the path and the gardens creates several challenges. It requires removing mature trees, which of course for the property owners and garden owners, is a challenge, and that creates a problem both for them with trying to build a new garden on the compacted soil area and potentially creates a problem for us from a construction point of view with soil that is cultivated. It would be much softer and would require more work than putting the path where it is existing compacted on soil. It puts the path next to other private property and there is no landscape screening on that side. On the Kalapakī Villa side, there is already landscape screening. It would add some cost to the project.

(Councilmember Kualii was noted as not present.)

Mr. Moule: We have not estimated how much yet because we have not had the time honestly, in the short time looking at this. But it would add cost in removing trees, redoing soil, and redesigning. We do not feel there is significant value to that. As we mentioned in your earlier question, the path is at least nine (9) feet from the property line as shown in the drawing, and that location next to the Bougainvillea and with the trees that exist offers shade for path users in at least for portions of the path. We feel that is important, and of course you have

heard from Līhu'e Court Townhomes about their concerns and you have their letter. We would also work with Līhu'e Court Townhomes and Kalapakī Villas about the landscaping screening. It is pretty established in most areas. But the bottom elements where the Bougainvillea is starting to grow or where the trunks are essentially, there are some openings, and Līhu'e Court Townhomes said they actually want to plant herbs and things in that area, which would actually also provide additional screening at the bottom level of the fence and potentially as we discussed, screening could be added in the area near the parking lot at the Rice Street end of the path once the asphalt is removed by us as part of the project.

(Councilmember Hooser was noted as not present.)

Mr. Moule: That is all we have for the presentation. We are available for questions that you have about your discussions with Kalapakī Villas or Līhu'e Court Townhomes, and our current recommendations.

Council Chair Rapozo: Thank you. Any questions? Councilmember Yukimura.

Councilmember Yukimura: If the path was moved, well first of all, the noise to the extent it was specified was Rice Street noise?

Mr. Moule: They were concerned about future noise from the path, but they complained about existing noise that they have from Rice Street. Moving the path would probably not affect how much noise they hear from the path because it might move from fifteen (15) feet to maybe maximum forty-five (45) feet from the path.

Councilmember Yukimura: Right.

Mr. Moule: So it would still be relatively close.

Councilmember Yukimura: Okay.

Mr. Moule: If someone was shouting down the path, for example, which I do not think could happen on a regular basis, but could. Kids going to school or whatever, and kids are somewhat loud sometimes. I do not think they would make a significant difference in the amount of noise.

Councilmember Yukimura: Right. I mean, the shift of a few feet.

Mr. Moule: Yes.

Councilmember Yukimura: Okay. Thank you.

Council Chair Rapozo: Councilmember Chock.

Councilmember Chock: Can you remind me about the maintenance plan? Who is going to be responsible for maintenance of the easement and the shade that you are talking about?

Mr. Moule: Absolutely. So the easement document states that the County, the grantee, which is the County, is responsibility for maintaining their improvements. So anything we build or install, would be maintained by us. So that would be the concrete path itself. We would also be putting in grass to replace the grass that is there now. Līhu'e Court Townhomes would mow that as they do today of the existing grass that they have had in the past. The gardens, the trees, and everything else that is pre-existing would be considered the improvements of the grantor, which is Līhu'e Court Townhomes, and they would maintain that. As far as landscaping goes, if we do move forward with adding landscaping there, it would not be something that the County would do. We would work with the two (2) property owners to see if Līhu'e Court Townhomes, and they are already talked about adding things like herbs in the area, and they would maintain those if they are put in by them.

Councilmember Chock: Thank you.

Council Chair Rapozo: Councilmember Kualii.

Councilmember Kualii: In one of your first slides where you showed the hedge, and there is a fence over the asphalt.

Mr. Moule: Yes.

Councilmember Kualii: That hedge is on the easement or on the Kalapakī Villas property?

Mr. Moule: The fence is not on the property line. The fence is on the easement side of the property line. I do not know the history of the fence. It waves around like this.

Councilmember Kualii: But the fence, there is a hedge, there is a fence, and it looks like a sidewalk.

Mr. Moule: Yes.

Councilmember Kualii: Is the fence dividing the hedge and the sidewalk, and the sidewalk is for use by Kalapakī Villas folks going from one (1) unit to the other?

Mr. Moule: The existing walkway is for use, presumably by them to go from one (1) unit to the other.

Councilmember Kualii: It is on their side of the fence?

Mr. Moule: The fence and the hedge are essentially in the same spot. I mean, the actual roots are on the easement side of the fence, but the Bougainvillea is growing on the fence, essentially. So that existing walkway that is there is for their purposes to use.

Councilmember Kuali'i: I do not remember. Many years ago, I lived in Kalapakī Villas, but if you are passing along Rice Street and you look at Kalapakī Villas, there is not a fence along Rice Street, is there?

Councilmember Yukimura: Only a hedge.

Mr. Moule: I do not think there is on Rice Street. If there is, it...

Councilmember Kuali'i: There is like a little hedge.

Mr. Moule: It is much shorter than this one.

Councilmember Kuali'i: Broken up in places.

Mr. Moule: Yes.

Councilmember Kuali'i: During the parade, you see people sitting out there also.

Councilmember Yukimura: Right.

Councilmember Kuali'i: Really, I mean, local style where you just walk along the edge of properties, people could be using the Kalapakī Villas sidewalk right now. Oh, they cannot get out in the back side?

Mr. Moule: They cannot get out. It is fenced in the back.

Councilmember Kuali'i: The backside is by (inaudible).

Mr. Moule: Yes.

Councilmember Kuali'i: Anyway, so then another slide you showed these beautiful palm trees and they seem to be lined up about where the path is going to go down the middle.

Mr. Moule: Yes.

Councilmember Kuali'i: In the middle area of the path, and there is probably like six (6) of them, maybe more.

Mr. Moule: Yes.

Councilmember Kualii: The plan now is to put the concrete path right between those trees, correct?

Mr. Moule: Yes. The only...

Councilmember Kualii: If you tried to move it, it would eliminate the garden or move the garden. You would also have to take out a bunch of those palm trees?

Mr. Moule: You probably would not need to remove the royal palms. You could work around the bigger palms, but you would need to take out some of the fruit trees. There is no doubt about it. You could put it on the other side. There is an area where there is a row of royal palms on the fenced side, a fewer number, but a couple, I think, of royal palms on the other side of the existing dirt path.

Councilmember Kualii: Garden side.

Mr. Moule: You could move the path beyond...

Councilmember Kualii: Inside of...

Mr. Moule: ...that. Physically could.

Councilmember Kualii: Okay.

Mr. Moule: ...without taking the big palms out. There is other royal palms that are further away that you could also avoid, but you would absolutely have to take out most of the gardens area and several of the existing mature trees to build a path on either side.

Councilmember Kualii: I am curious. If you had to remove, like there are some coconut trees and these royal palms, do they pay for themselves? Are you able to remove it, sell it, and that covers the cost of having to remove it?

Mr. Moule: I do not know, honestly. I do know that those have value.

Councilmember Kualii: They do have value.

Mr. Moule: If they can be removed and replanted somewhere else, but I do not know if you could ask someone to remove them for free.

Councilmember Kualii: Thank you.

Council Chair Rapozo: Any other questions? Councilmember Yukimura.

Councilmember Yukimura: I see someone in the audience who wants to speak.

Council Chair Rapozo: Yes. We will get to that. We are still in question and answer right now.

Councilmember Yukimura: Thank you. No.

Council Chair Rapozo: I have a couple of questions. I guess the first question, why...I mean, I know when it rains there is a little bit of puddling. But what is so bad about keeping it the way it is?

Mr. Moule: I think that first and foremost, it is not accessible for someone who uses a wheelchair or otherwise is disabled. Making a firm, stable, and slip-resistant surface, that is the language from the Americans with Disabilities Act (ADA) that would make it accessible. Of course just as you mentioned, the mud on shoes and times when it is wet out there. For those like the person we saw in the photo who rides through there. He does ride through there now. It is certainly possible. I watched another one. He was not riding as we saw him, but he was about to. He stopped to talk to the two (2) residents or the resident and the maintenance person. We saw another person riding through and she was bumping up and down as she rode through very slow. It looked like she was trying to go somewhere to go shopping or I do not know what she was doing. But she was not riding through as a hard core recreational cyclists. She was headed to someplace. The hard surface would make it easier for her. But I think largely it is the ADA issues, the accessibility issues. It also makes the path formally available to the public. Right now, legally, there is no access to the general public. It is legal for someone living in Līhu'e Court Townhomes to go there, but otherwise it is private property. So making it as a concrete path and making a legal easement for it makes it so that anyone can use it and Līhu'e Court Townhomes, it is their property and they accept that. They think that is an appropriate use for that area to allow the public to go through there.

Council Chair Rapozo: And Kalapakī Villas, who obviously has an interest because they are right next...

Mr. Moule: Absolutely.

Council Chair Rapozo: What are their concerns?

Mr. Moule: I think their concerns are valid. They are concerned about noise and they are concerned about screening. The screening exists and there is potential to increase the screening. They did not say "do not build the

path” in their comments. They said, “Is it possible to move the path to the other side?” So I think that we are trying to balance the concerns of the two (2) primary property owners or resident groups in the area to get what works best for everyone. We did anecdotally, I do not know for sure. I do not watch the path on a regular basis. But anecdotally from the residents of Līhu‘e Court Townhomes, the woman you say in the photo who is actively involved in the gardens and has been herself for, I think ten (10) years, said that she sees Kalapakī Villas residents using that area. They walk their dogs there today. So they are using the path already to some degree even though it is Līhu‘e Court Townhomes’ property. I think other people from the neighborhood probably also use it and I think that is an appropriate use. But it needs to be made legal through an easement as we have proposed and has been approved, the construction of a concrete path.

Council Chair Rapozo: Okay. In the Legal Document, Item 9 Condition of Easement Area. “Grantee acknowledges that portions of the easement area are located in rough, rocky, and uneven terrain that may not be safe or practical for use by every member of public and grantee has agreed to enter into this dedication of easement with full knowledge of the physical inherent conditions of the easement area after having had full opportunity to inspect the easement area.” What are they referencing?

Mr. Moule: The existing dirt path.

Council Chair Rapozo: No. Well, it says...

Mr. Moule: That is what they are referencing.

Council Chair Rapozo: Well, they are saying that “parts of it are located in rough, rocky, and uneven terrain.”

Mr. Moule: Yes. I would personally feel that is in contrast to the smooth, stable, and slip-resistant language that is requested for accessible path for ADA.

Council Chair Rapozo: Okay. So there is no other portions of that easement that would, I guess, create a danger for people using it?

Mr. Moule: No.

Council Chair Rapozo: It is like they put this in there, they made it a specific item that “portions of this easement are located in rough, rocky, and uneven terrain that may not be safe or practical for use.”

Mr. Moule: Yes. I think the point of that is that it is not safe for practical use by every member of the general public suggesting that it is

usable by many members of the general public, but not, for example, by someone using a wheelchair.

Council Chair Rapozo: Okay.

Mr. Moule: I think that is the purpose of that statement if you ask me.

Council Chair Rapozo: Okay. Thank you. Any other questions? If not, public testimony. We will suspend the rules. If you could come up and just state your name for the record.

TANYA ORTIZ: My name is Tanya Ortiz. I live at Līhu'e Court Townhomes for over ten (10) years. I also work there for almost four (4) years. I have been part of the gardens since about five (5) years ago. I just recently spoke with Puna Kalama Dawson, who was the main person who started the garden in about 2002. She informed me of some of the history. Some of it was that they acquired an Aloha Care Grant, and some of it was through the Housing Agency of the County of Kaua'i. A lot of money, over thousands of dollars. I cannot tell you the amount. I just found out this information yesterday. So there has been a huge community and County involvement in developing the sustainability of that garden. It used to be lots of trees, dumped cars, asphalt, and everything. So they have done a lot of work there. I think that seeing that Kalapakī Villas does have a sidewalk on their side of the fence and people use the existing path that is a dirt path on Līhu'e Court Townhomes side of the fence, there is not going to be much of a difference. If you just go and bulldoze all of that long work even in the name of Kaua'i and what we stand for, our sustainability and trying to move forward, I think that would probably not be the smartest move for us to move the whole sidewalk to the garden.

Council Chair Rapozo: Thank you. Any other public testimony?
Mr. Mickens.

GLENN MICKENS: Thank you, Council Chair Rapozo. For the record, Glenn Mickens. First, I want to thank Mike and Larry for their presentation today, but I have some questions. I did not get a copy of the testimonies that were passed out. Peter gave us a copy of the map. Who is asking for this path? One question. What statistical study has been done showing the usage and cost of it being worth it? As the lady pointed out, there is going to be a lot of trees removed and things on it that I guess they have done a lot of work with their gardens and planting them. What would be the total costs of it and will the cost be the same as the use multi-use path, five million two hundred thousand dollars (\$5,200,000) a mile? The question of maintenance also being asked. Again, when they keep on talking about building these things, I just have to find out what the cost of the thing per usage is going to be. We keep on talking about the bicycle paths all over, but I keep on wondering, how many do you see using these bicycle paths? You drive up and down the roads, you go from Kapa'a like I do coming here all the time. I see maybe one (1)

person using that path but we keep on pushing for them, and I keep on saying where is the mandate saying that we have to build these things? Anyway, maybe Larry or Mike can answer those questions. Thank you, Council Chair Rapozo.

Council Chair Rapozo: Thank you. Anyone else?

KEN TAYLOR: Chair and members of Council, Ken Taylor. I was interested in one of those slides where it talked about “adds cost with minimum value.” But if you were one of the property owners in Kalapakī Villas, there may be seven (7) to ten (10) units that could be affected by this. Five hundred thousand dollars (\$500,000) units, it would be very unlikely that minimal value would be acceptable to them. I do not know. I still question whether or not this path concreted in is necessary. But it also does not make any sense to take a narrow strip like this where you have these gardens. The yellow line on this map does not go along the fence line. So there is considerably more space back there. I really think that it would have minimal impact on the existing activities that are taking place and that by putting the path to one side or the other of this narrow strip, it would increase the potential for additional garden space. As I say, I do not really think it is necessary to pave this in, but you still have the street that goes up that can be used. I know most people that live back in there, they get in their car and go. They are not walking. There is a handful of people. On one of the maps, they talked earlier in the last presentation that well, they could go this way and up and over to the school. Well, they are getting to the school now and for the last twenty (20) years that this project has been there or longer and there has not been any major problems. I am just again, concerned about all of the money that is being spent and not a lot of benefit coming from it. That is why when you say “adds costs with minimal value,” putting this concrete path in here adds costs with minimum value regardless of where it is at. Thank you.

Council Chair Rapozo: Thank you. Any other members wanting to testify?

There being no further testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Further discussion? Councilmember Hooser.

Councilmember Hooser: It has been a very interesting discussion. I want to be clear what we are voting on, the location of the path. There is testimony about destroying the gardens to put the path in. I want to make sure that the location of the path, for my purposes, would not do that as we sit here today.

Council Chair Rapozo: That is correct.

Councilmember Hooser: Okay. Thank you.

Council Chair Rapozo: Any other discussion? Councilmember Yukimura.

Councilmember Yukimura: Yes. I can see some of the concerns of Kalapakī Villas, but I do not think that moving the path is going to make that much of a difference in terms of noise. It would be good for us, over time as we propose projects like this, to get some idea of what kind of noise is involved so we can address concerns. But I think with the landscaping, definitely needs to stay on the Kalapakī Villas side, and I think the intention is to keep it there. I think those things mitigate both noise and visual intrusion. When I went to look at the site last week, I just thought that the residents viewed the fence along the Kalapakī Villa's side as protection. I almost thought that a little gate that would get Kalapakī Villas residents on to the path might be a good idea. That kind of pedestrian accessibility can be very useful. But I am thinking that the traffic along the proposed path because of its short distance, is not going to be huge like for example, along the Ke Ala Hele Makalae. So it is just a small local path. I am thinking that there will be considerable mitigation because of that.

Council Chair Rapozo: Councilmember Kualī'i.

Councilmember Kualī'i: Another thing I would say is that when it comes to noise, if it is extensive and lingering noise, like noise problems anywhere else. I mean, the residents that live most close to the property would call the police. I think that one of the things that should happen maybe is that the path have signs that say it is not a place to stay. It is just a place to pass through. I do not know if it would be no loitering or what, but that the path be in place. Obviously the community garden people would do their work there, but then they should be mindful of the noise issue as well and do it responsibly. But that could help, I think, alleviate any potential lasting noise problems because passing through is one thing and then hanging out and having a party in the open area under the palm tree or whatever is another thing.

Council Chair Rapozo: Councilmember Kaneshiro.

Councilmember Kaneshiro: I am comfortable voting in favor as it is. I have heard the concerns and in our heads we weigh the pros and cons. I think the pros definitely outweigh the cons. The punch out to Rice Street was there and has been there. So it was obviously going to be used for some type of transportation whether it was vehicle or foot traffic. Right now the path is there, and I think a sidewalk would be an improvement to the path. Again, all of this would be paid through CDBG moneys. So it is pretty much free to the County. We are not paying anything for this improved walkway. Yes, in the future we may need some maintenance, but it is a concrete walkway. I think the maintenance in the future will be minimal. I do not know what people do. Maybe graffiti on it, then we have to take off the graffiti. For me, I am comfortable voting for it now and I definitely would not want to see it go on the other side and make the gardens move. I mean, I do not think

it would affect the noise that much anyway, moving it however many feet more down. So as it is, I am comfortable with the way it is and I am comfortable voting for this.

Council Chair Rapozo:

Thank you. Councilmember Chock.

Councilmember Chock: I think the reason why we are here today is because there has been a little bit of a lack of, I guess, process that I want to acknowledge. I know we have our open period comment for the community, but I think when we look at any kind of infrastructure change, that if there are surrounding neighbors, then it behooves us to contact them directly in the process so that we can foresee and address any concerns ahead of time such as this noise mitigation. I do not want to lose sight of that. I think we all agree that this improvement, based on how the funds are being utilized and based on the fact it is Līhu'e Court Townhomes which is a project that we all want to support, is an important improvement. I am going to be supporting it, but want to focus the fact if we could be a little more diligent in the process moving forward, I think that it would be helpful. Thank you.

Council Chair Rapozo: Thank you. Any other discussion? Well, I guess I see things a little differently because I agree with everything Councilmember Chock says. A thirty (30) day comment period after by the County, but if the public does not know it exists, how would they know when to comment? How would they know? Not everybody reads the paper, not everybody watches these meetings, and not everybody reads the bulletin boards at the County buildings. The first thing is, I am not suggesting we do anything with those gardens. No. Those gardens, as far as I am concerned, are part of that community. So I am not suggesting moving the gardens. I think Kalapakī Villas, for them to suggest that, I think, is quite arrogant and insensitive. But nonetheless, what they have said and the E-mail came February 4th. I am not sure why they did not respond to us, but this E-mail was sent to the Department of Public Works on February 4th and this is the first time I am seeing it today. We constantly talk about keeping Kaua'i, Kaua'i. Every campaign we talk about hey, keeping Kaua'i, Kaua'i. When we had the discussion on, I guess it was complete streets or whatever it was, the north shore community came out very strongly and said "we do not want more concrete on Weke Road. We do not want not see that. We want that rural. We want the earthen walkways." Wailua Houselots. I remember that vividly like it was yesterday. When they talked about bringing that bike path behind across, the public went nuts. No. We do not want that. You are going to increase traffic, foot traffic, and bike traffic. Any time you take a path like this and you are going to make it public, you are going to improve it to the tune of a concrete walkway, you are going to increase traffic much like building new roads. You are going to increase traffic. Now I do not see a problem with the path as it sits today. Yes, it is private property and they are allowing people to use it to a certain extent, which is sufficient in my mind. Why are we going to drop two hundred eighty thousand dollars (\$280,000) worth of work in there of concrete, for what? I do not see the value to be honest with you. Now we have testimony from the Board of Kalapakī Villas that said they are concerned. They have concerns. They have some serious

about noise and about increased traffic. Again, expecting the gardens to be relocated is ridiculous. I am going to talk to this person. I will call him up and let him know that to even ask for that, I think is ridiculous. But we cannot ignore the fact that a community is going to be impacted and who are we to sit here today and say, "Well, we are concerned, but we are going to move forward because the Līhu'e Court Townhomes project, that is their property and of course they want the improvement. But Kalapakī Villas, we understand your concerns, but we believe that it does not rise to the level of a concern. So we are just going to move forward." I disagree with that. I think that path, as it sits today, is perfectly fine. It is usable and it is no more stinking concrete in an area that looks like Kaua'i with the trees. I saw those pictures more so I am like, I cannot support this. I cannot. Let us use those CDBG moneys for other more pressing issues and not another concrete path. Obviously it is going to go, but it is going to go without my support and I am sorry. With that, Councilmember Yukimura.

Councilmember Yukimura: The path as-is, is not going to serve everybody. Wheelchairs cannot go over it and there are elderly who might be able to use it from Rice Camp Elderly Housing and also from Līhu'e Court Townhomes' people, children, elderly, or even elderly who can walk like my mother who walks with a cane, would have problems. I think we have seen that we can maintain a rural atmosphere with sidewalks as long as they are done well and you get the best of both worlds that way. I think we I think we can make it work. I do think we should monitor. Some of the concerns from Kalapakī Villas are reasonable concerns, but until we actually see what happens, I do not know if there will be more noise created by a concrete path then there is right now with people using the path, but we should study it. I know that even Ke Ala Hele Makalae, it goes by some houses in Kapa'a and I have not heard any complaints from them. Sometimes there are concerns initially, but when it actually happens, they are not as bad as feared. But we should monitor to see what the actual results are. My hope and thinking is that there will not be an increase in noise above what the existing situation is. But we should still monitor it to find out.

Council Chair Rapozo: It goes to the "ready-fire-aim." You monitor before. Yes, you do your study before. You do not do it after you spend two hundred eighty thousand dollars (\$280,000) and then say, "Oops." Now we have to spend another one hundred thousand dollars (\$100,000) to buffer. I have been doing this too long to know. I just wish we would have taken care of the community concerns before saying that we have to vote on that because it is time-sensitive. With that, roll call.

The motion to approve C 2016-27 was then put, and carried by the following vote:

FOR APPROVAL:	Chock, Hooser, Kaneshiro, Kualī'i, Yukimura	TOTAL – 5,
AGAINST APPROVAL:	Rapozo	TOTAL – 1,

EXCUSED & NOT VOTING: Kagawa
RECUSED & NOT VOTING: None

TOTAL – 1,
TOTAL – 0.

Council Chair Rapozo: With that, can we go back? I apologize to the Commission applicants. I did not want to break up that discussion. So can we get back to the 9:30 a.m. Planning Commission applicant, Heather Ahuna, please?

Ms. Fountain-Tanigawa: Back to page 1, Chair. This is for the Planning Commission. Heather Ahuna, Environmentalist.

PLANNING COMMISSION:

- Heather K. Ahuna (Environmentalist) – Partial Term ending 12/31/2016

Council Chair Rapozo: Good morning.

HEATHER K. AHUNA: Good morning. *Aloha* Councilmembers and Council Chair Rapozo. For the record, Heather Kanoe Ahuna.

Council Chair Rapozo: Thank you for being here. You are being recommended for the Planning Commission, one (1) of the toughest Commissions, probably the toughest Commission on the island. Not to scare you, but that is just the reality. I am sure you enjoyed the dialogue we just had because that is all about planning. But anyway with that, if you could give us an overview of yourself and explain why you want to serve, and we will open it up for questions right after that.

(Councilmember Kagawa was noted as present.)

Ms. Ahuna: My name is Kanoe Ahuna. I reside actually in the *ahupua'a* of Kapa'a, *moku* of Puna. My family is from Waimea, Kaua'i, *moku* of Kona. I believe that the Mayor asked me for the reason of my expertise and background in education as well as my project related environmental '*aina* based projects that I have been working on here on Kaua'i. Mostly the Kaua'i Nui Kuapapa is a huge project here that has to do with environment, '*aina*, *aina moku*, *ahupua'a*, land divisions, that I think I would be able to bring to the Planning Commission and benefit the Planning Commission in that regard for our natural resources and stewardship of '*aina*.

Council Chair Rapozo: Okay. Any questions for Ms. Ahuna?
Councilmember Yukimura.

Councilmember Yukimura: *Aloha* Kanoe.

Ms. Ahuna: *Aloha*.

Councilmember Yukimura: Thank you for your willingness to serve. I noticed from your application that you see the primary duties of the Planning Commission as reviewing zoning and land use permits and applications. There is another function of the Planning Commission that is equally important and I am hoping that you are aware of it, that it is for the appointment of the Planning Director who oversees the Planning Department and essentially all planning efforts of the County. Were you aware of that?

Ms. Ahuna: Yes, I was. Yes.

Councilmember Yukimura: Go ahead.

Ms. Ahuna: I think more of my understanding though was in reference to my experiences with community and education, but I was made aware of that.

Councilmember Yukimura: Well, I celebrate the perspectives and knowledge that you will bring to the Planning Commission. However, the decisions that you make as a Planning Commissioner will not just be on the basis of the things you know about. It will require knowledge about transportation systems, about affordable housing, about laws, and also about executive performance and review, and nobody has all that background when they come to the Planning Commission. But it is a big learning curve. I guess my question is are you aware and willing to undertake that kind of learning?

Ms. Ahuna: Yes. Actually, I am open to doing further research in those areas. I do think that the County has done a really good job. I did review the General Plan that was completed in 2000, and I have been a part actually, some of the south shore planning as well. The idea of the smart growth for our community as well is really, I think, important and beneficial to Kaua'i. In reviewing all of those things and doing some further research on that, I can see the importance of what we just went through before I came up that has to deal with walkways, Housing and Urban Development (HUD) housing, and all kinds of other aspects just the environment. My interest, I believe, and why the Mayor asked me is to be able to include our natural environment and the *'āina* into all of that including adding those kind of things to transportation. As you know with our *ahupua'a/moku* project, I had to deal with the Department of Transportation issues and so forth. So that kind of thing, I believe, I definitely can be part of bringing more light to those things in the future.

Councilmember Yukimura: Good. There are areas where the Planning Department is not following smart growth principles and the Planning Commission's job is to see that and to bring it to their attention. Are you able and willing to do that?

Ms. Ahuna: Yes.

Councilmember Yukimura: Okay. Thank you.

Council Chair Rapozo: Councilmember Kualii.

Councilmember Kualii: *Aloha* Kanoe.

Ms. Ahuna: *Aloha*.

Councilmember Kualii: *Mahalo* for your willingness to serve and stepping forward. I know all about Ho'ola Lahui Hawai'i in your resume, your work experience, employment history. Tell me a little bit about Elite Element Academy and Na Hoku Welo, LLC.

Ms. Ahuna: Elite Element Academy was an online school that I founded and actually administered, and then moved it into the Charter Schools, helped the Charter Schools bring virtual education into their schools as well as worked with Punahou School and some of the other private schools. So that is Elite. That would be within my educational side. I guess, Na Hoku Welo is where after I graduated with my Doctorate, I moved into more consulting and community based projects like Kaua'i Nui Kuapapa as well as some other community education projects. We do a lot of grant writing as well and work with different organizations to help them move with Native Hawaiian educational type of projects, after school programs, and so forth.

Councilmember Kualii: Thank you. The last part, you mentioned your experience with environmental island based projects and that a focus would be on natural resources and stewardship of *'āina*.

Ms. Ahuna: Yes.

Councilmember Kualii: Would you say that is would be your basic philosophy in serving on the Planning Commission, one of preserving and protecting natural resources?

Ms. Ahuna: Yes.

Councilmember Kualii: And the *'āina*?

Ms. Ahuna: Yes. A lot of work that we do is with Na Hoku Welo is also in regards to preservation of *heiau* and cultural sites. We did do work with Kaneiolouma as well as we are looking towards other projects, Pooku Heiau, and Hokulele in Anahola. Na Hoku Welo also, we help those out there that are in development or developers to ensure their understanding of Hawaiian cultural and *'āina* based type of presence in their projects.

Councilmember Kualii: Thank you so much.

Council Chair Rapozo: Councilmember Hooser.

Councilmember Hooser: Good morning.

Ms. Ahuna: Good morning.

Councilmember Hooser: I want to thank you for being willing to serve. My question, this is a partial term. Apparently it only goes to the end of this year and it represents the Environmental responsibility on the Commission. The Planning Commission is probably the most labor time-intensive Commission that we have, and because you are only there until December, there is a lot of catching up to do and a lot of work to do. My question is number one, are you aware of the time commitment that is demanded and number two, do you have that time available?

Ms. Ahuna: I did get to speak to Mr. Furfaro in regards to that as well as Ka'āina Hull, the Deputy Director, on the workload and what is expected. I think the most part, I am open to it and I understand how much work and a lot of research and reading that is. I hope to be able to bring something, a positive light to the Planning Commission within that six (6) months or until December for that term, yes.

Councilmember Hooser: Great. Well, thank you for being willing to put that energy and personal commitment into it. Thank you.

Council Chair Rapozo: Any other questions for Ms. Ahuna?
Councilmember Yukimura.

Councilmember Yukimura: Do you work as a private consultant to developers?

Ms. Ahuna: Sometimes, yes. That was a question that I actually had myself for Ka'āina and Mr. Furfaro. What my understanding was is that I have the opportunity to speak to the lawyer for the County when I have issues or things like ethical questions myself that come up that might affect a vote or some sort. Yes, I have asked those questions and I understand, and I am aware of the ethical nature of it.

Councilmember Yukimura: So you understand that if a developer that has retained you comes before the Planning Commission, you would appropriately have to recuse yourself?

Ms. Ahuna: Yes. It is my understanding because I did question the Deputy Director and ask him those questions because those were my own concerns.

Councilmember Yukimura: Good.

Ms. Ahuna: From my understanding, I have the option to speak with the attorney prior to anything if I do have ethical questions that come up in regards to my personal work.

Councilmember Yukimura: Good. On this Elite Element Academy, of what age were the students?

Ms. Ahuna: Kindergarten through 12th grade.

Councilmember Yukimura: Okay.

Ms. Ahuna: It was statewide. It was a virtual education school.

Councilmember Yukimura: Oh, it is a virtual education school?

Ms. Ahuna: Yes, online school that we ended up moving the schools...actually, helping support the Charter Schools. We ended up moving the organization kind of dispersed into the Charters to help them support their virtual education models.

Councilmember Yukimura: So it no longer exists as a school?

Ms. Ahuna: No.

Councilmember Yukimura: Okay, and has disbursed?

Ms. Ahuna: Into mostly of five (5) Charter Schools throughout Hawai'i.

Councilmember Yukimura: I see. Excellent.

Ms. Ahuna: So they continue the work.

Councilmember Yukimura: Thank you.

Council Chair Rapozo: I will disclose that my daughter was a student of the Elite Element Academy when she had her back surgery and could not attend a physical classroom, and that was one of the options and it was a great experience. Thank you for that. Councilmember Chock.

Councilmember Chock: No questions. *Aloha* Kanoe. I just wanted to mention or say thank you. *Mahalo* for serving. I think you will add a lot to the Planning Commission in an area that is much needed and will be voting in support of your appointment. Thank you.

Ms. Ahuna: Thank you.

Council Chair Rapozo: Any other questions? I am sorry, go ahead. Kanoe, are you aware of any existing contracts that you have going on now that are in front of the County Planning?

Ms. Ahuna: No.

Council Chair Rapozo: Okay. That is all I really had. Thank you.

Ms. Ahuna: Thank you.

Council Chair Rapozo: Thank you for electing to serve.

Ms. Ahuna: Thank you.

Council Chair Rapozo: I see Mr. Mickens raising his hand.

Mr. Mickens: Thank you, Council Chair Rapozo. For the record, Glenn Mickens. I really compliment these people for volunteering for these positions. The hours that this young lady is going to spend at the Planning Commission, I have seen those people sit there eight (8) hours sometimes and everything. But I just have to wonder, who contacts them or who do they contact to get these jobs? When you are talking about a non-paying job and the amount of hours that they are spending, it boggles my mind and have to, like you said, brush up on all the things that go along with the Planning Commission or Cost Control Commission, any of these things. It is going to take tremendous amounts of time. I just wonder how do they get into this. Who do they contact to say, I really want that? Are these positions published in the paper or anything? I have never seen where they ask for these things. Anyway, I really applaud these people for what they do. Thank you, Council Chair Rapozo.

Council Chair Rapozo: Thank you. Please. In Kanoe's case, she said she was asked by the Mayor. So they sought her out. If you could state your name for the record.

KEONI SMITH: Aloha Councilmembers. My name is Keoni Smith from the *ili* of Kekaha in Kona. I want to offer my support for Kanoe Ahuna's proposed position at the Planning Commission. I have engaged in lots of conversations with Kanoe, specifically on the General Plan that she reviewed and I also reviewed. In fact, we were made aware of it through our other research regarding potential projects coming up around the island here and there. We spent lots of hours talking about various aspects of the General Plan. So I know that she is very aware of lots of things that the general community is often not aware of that are coming down the pipelines for our island. If a lot of people were really aware in the County of a lot of these things, it would generate lot of discussion among communities as it

impacts us. She is very inclusive of the viewpoints of the people around her. I know Kanoe to be very welcoming of discussions of all kinds of viewpoints because they matter. Case in point, the discussion that took place earlier, I appreciate Council Chair Rapozo's comments because I happen to share this idea that I prefer grass and dirt, and not cement. I also welcome and I also appreciate Councilmember Yukimura's point about having to make everything accessible to those who would not normally be able to walk on grass and dirt. This is the kind of discussion that Kanoe welcomes, and that is how I know her. She is also a very good organizer. I am a member of Na Hoku Welo, which she spoke about earlier and I am also one of the contributors to the Kaua'i Nui Kuapapa project that comes up around the island. She and I have an association that is quite extensive, but apart from that, I see her doing those things that she does apart from the connections that we have. She is very adamant that the community do the community's thing; that we do this thing together. So I support her nomination for the position. Thank you very much.

Council Chair Rapozo: Thank you. Okay. If you could state your name for the captioner.

CANEN HOOKANO: *Aloha* Councilmembers and Chair Rapozo. For the record, Canen Hookano. I just want to express my support for the appointment for Kanoe Ahuna in her nomination for the Planning Commission. I have work with her on many projects and I think she would bring a different angle to the Planning Commission. Working in the past on restoration projects for cultural sites, she is very aware and has a sensitivity for all of the cultural sites on the island. It would be definitely a good appointment. *Mahalo* for your time.

Council Chair Rapozo: Thank you very much. Next is Mr. Curtis. Go ahead.

Ms. Fountain-Tanigawa: The last interview is for the Board of Ethics with Michael Curtis.

BOARD OF ETHICS:

- Michael C. Curtis – Term ending 12/31/2018

Council Chair Rapozo: Thank you for your patience, Mr. Curtis. I apologize for the delay. I think you have been through enough that you know. You are being recommended for the Board of Ethics.

MICHAEL CURTIS: You folks get to sit through it every day.

Council Chair Rapozo: Yes. With that, I will open it up for an overview and then we will open it up for questions.

Mr. Curtis: I have been a Kaua'i resident for over forty (40) years. I am a Realtor specializing in vacation rental management in the Po'ipū Beach.

(Councilmembers Chock and Kagawa were noted as not present.)

(Councilmember Yukimura was noted as excused.)

Mr. Curtis: Oh, Michael Curtis. I have been on Kaua'i for over forty (40) years, been a Realtor specializing in vacation rental management in the Po'ipū Beach area, been a Rotarian, I have been the Chair of the Real Property Board of Review, Republican, and offer to serve. Also, I am an umpire. I umpire senior softball games and I referee soccer games.

Council Chair Rapozo: Oh. I have the utmost respect for umpires and referees. I mean, that is a tougher job than being a politician. Have you ever ejected anyone?

Mr. Curtis: Yes, I have.

(Councilmember Kagawa was noted as present.)

Council Chair Rapozo: Okay good.

Mr. Curtis: Some people do not know how to act.

Council Chair Rapozo: Yes, I know. The sad reality is I referee the babies flag football and I had to eject parents. That is sad. Anyway. Thank you for agreeing to serve. Do we have any questions for Mr. Curtis? I just have one (1). Have you served on the Board before?

Mr. Curtis: Board of Review.

Council Chair Rapozo: Way back?

Mr. Curtis: I Chaired that for a few years.

Council Chair Rapozo: Yes. Way back. Since then, no County or no local?

Mr. Curtis: No. I am Elections Official. Delivery and Collections every election season.

Council Chair Rapozo: Okay.

Mr. Curtis: Other than that, no.

Council Chair Rapozo: Okay. Councilmember Hooser.

Councilmember Hooser: I do not really have any questions. I just want to thank you for your willingness to serve.

Mr. Curtis: You are welcome.

Councilmember Hooser: And the service you already have given for forty (40) years or more in various capacities. So just thank you very much for being willing to serve.

Mr. Curtis: You are welcome.

Council Chair Rapozo: Any other questions? If not, thank you very much Mr. Curtis.

Mr. Curtis: Thank you, Council Chair Rapozo and Council.

(Councilmember Chock was noted as present.)

Council Chair Rapozo: Before we end this portion, I just wanted to say I know Mr. Mickens brought up the question where do you find these people? I mean, is there a book of people that is willing to work for free and slave? I do want to say, and we have said it for the last several years that the Boards and Commissions, now with Mr. Furfaro there, I have no doubt in my mind just knowing the people that are showing up, I have got believe it is recommendations from Mr. Furfaro that has gone over to the Mayor. I think Glenn, to answer your questions, it is the effort by the Boards and Commissions under Mr. Furfaro's leadership that has generated these candidates that obviously most of them go right through without any questions. Their applications are complete, they are willing to serve, and we appreciate the quality of candidates. With that, Mr. Furfaro, thank you. Thank you. Okay, with that, let us take a caption break. Well, do you know what? I saw we had one (1) Claim, I believe, yes? Let us do the Claim and then we will take a caption break.

CLAIM:

C 2016-38 Communication (01/19/2016) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Margaret A. Benton, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i: Councilmember Kualii moved to refer C 2016-38 to the County Attorney's Office for disposition and/or report back to the Council, seconded by Councilmember Kaneshiro.

Council Chair Rapozo: Discussion?

Councilmember Kagawa: Yes.

Council Chair Rapozo: Oh, go ahead.

Councilmember Kagawa: I think we see one (1), two (2), three (3), sometimes even four (4) of these per Council Meeting, which just tells me that it is kind of consistent. I am just wondering if at some point, we can have a discussion with either Human Resources (HR) or the Department of Public Works to see if we are trying to determine if there is a consistent reason why these claims keep coming up and then whether we are taking steps to reduce them because it is certainly concerning that you just keep seeing the same amount each time. It does not really go away. I am wondering if there is maybe more action that can be taken to reduce it. Thank you, Council Chair Rapozo.

Council Chair Rapozo: The claims are public record. Obviously the names are redacted. I have asked for Executive Sessions on specific claims because of that exact reason. We have had a bunch of bus accidents, for example. The most recent rash of trees falling at Hanalei on to vehicles. So yes, at any time, and we do have the quarterly update from the County Attorney's Office, but if you have a specific concern over a specific claim, by all means, please let Jade know so we can get it on for discussion. If you want an overall briefing of HR to do a summary of claims and risk management, I would be more than happy to.

Councilmember Kagawa: I guess at some point, if we can in the past year or so, if we can get some kind of breakdown as to what amount is due to rocks flying and hitting windshields, what numbers are attributed to trees falling down on cars, and have that kind of record. I think that would be good for us to at least have open to the public. This is a general summary in past year of these claims. I think when people just hear claim for vehicle, claim for vehicle, at some point, I think they would want to know the past year's or two's summary of the breakdown as to what are the causes? Anyway, that is kind of what I am looking for, an overall breakdown if the County Attorney has something like that, I would be curious to see.

Council Chair Rapozo: Okay. Staff, if you could ask the County Attorney or work with the County Attorney to put together a report and list the last three (3) years, how many are related to traffic accidents, how many are related to acts of God or whatever the thing might be. Break them down and then if we could have that maybe in next two (2) weeks, that would be sufficient. Okay.

The motion to refer C 2016-38 to the County Attorney's Office for disposition and/or report back to the Council was then put, and carried by a vote of 6:0:1:0 (*Councilmember Yukimura was excused*).

Council Chair Rapozo: Ten (10) minute caption break.

There being no objections, the meeting recessed at 10:27 a.m.

The meeting reconvened at 10:39 a.m., and proceeded as follows:

Council Chair Rapozo: Next item, please.

COMMITTEE REPORTS:PUBLIC WORKS / PARKS & RECREATION COMMITTEE:

A report (No. CR-PWPR 2016-03) submitted by the Public Works / Parks & Recreation Committee, recommending that the following be Approved:

“C2016-27 Communication (01/15/2016) from the County Engineer, recommending Council approval of a Conveyance of Easemen “F,” Kalapakī, Līhu‘e, Kaua‘i, Tax Map Key (TMK) (4) 3-6-003-072, by Līhu‘e Court Townhomes Corporation, a non-profit Hawai‘i corporation, of a right-of-way easement necessary for construction of and public access to the Hoala Street to Rice Street Shared Use Path, a Community Development Block Grant (CDBG) funded project, for pedestrian and bicycle access to Līhu‘e Court Townhomes, Rice Camp Senior Housing and the area around Hoala Street.

- Dedication of Easement,”

Councilmember Kualīi moved for approval of the report, seconded by Councilmember Chock.

Council Chair Rapozo: Discussion? Public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no on present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion for approval of the report was then put, and carried by a vote of 6:0:1:0 (*Councilmember Yukimura was excused*).

Council Chair Rapozo: Motion carried. Next item.

BUDGET & FINANCE COMMITTEE:

A report (No. CR-BF 2016-04) submitted by the Budget & Finance Committee, recommending that the following be Approved on second and final reading:

“Bill No. 2611 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2015-797, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2015 THROUGH JUNE 30, 2016, BY REVISING THE AMOUNTS ESTIMATED IN THE BOND FUND (*Hanalei Baseyard Fuel Tank Project – \$40,000*),”

Councilmember Kualīi moved for approval of the report, seconded by Councilmember Chock

Council Chair Rapozo: Discussion? Public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Councilmember Kualii moved for approval of the report, seconded by Councilmember Chock, and carried by a vote of 6:0:1:0 (*Councilmember Yukimura was excused*).

Council Chair Rapozo: Motion carried. Next item, please.

COMMITTEE OF THE WHOLE:

A report (No. CR-COW 2016-02) submitted by the Committee of the Whole, recommending that the following be Received for the Record:

“COW 2016-01 Communication (01/14/2016) from Council Chair Rapozo, requesting agenda time to discuss a charter amendment implementing the county manager system, schedule public workshops regarding the county manager system, solicit assistance from the ICMA, and have a member of the Charter Review Commission update the Committee on the status of its proposal to implement the county manager system,”

Ms. Fountain-Tanigawa: On this item, Chair, we do have a member of the public, would who would like to speak.

Councilmember Kualii moved for approval of the report, seconded by Councilmember Chock.

Council Chair Rapozo: Thank you.

There being no objections, the rules were suspended to take public testimony.

Mr. Mickens: Thank you, Council Chair Rapozo. For the record, Glenn Mickens. So much good material has been gathered and disseminated to those who are interested in the county manager style of government as opposed to the strong Mayor-Council type that we have now. In my opinion, the facts for needed change from our antiquated inefficient system to a better one are glaringly apparent. Our own research by a group of us plus the further information gathered by Council Chair Rapozo, Committee Chair Chock, and Councilmembers Kaneshiro and Kualii at the Seattle ICMA meeting has convinced us that a manager's type change is by far the type of change that is needed. Municipalities across our Nation and in all parts of the world are using this system with a great deal of success. So we certainly have a blueprint already in place to follow. No new wheel needs to be reinvented. A look at the letters to the forum in the paper about the multitude of problems that need and have needed solving are numerous. In a recent poll by The Garden Island showed that by a 2:1 margin, the citizens want a County Manager. Ironically, those opposing this style of change mainly are Administration and employees who erroneously fear of job loss, offer no other realistic form of improvement except to hire new people. But over the years, we have been doing exactly that, electing new people, but the problems

have only escalated. Any suggestion to get input from the Charter Review Commission (CRC) is, in my opinion, is misguided.

This Council has been the main body of people to have researched this issue and has the authority to put it on the ballot. The CRC preliminary materials are inadequate and distracting, and constitute an unwarranted diversion from the thoughtful path that Council is following.

(Councilmember Kagawa was noted as not present.)

Mr. Mickens: To debate the good and bad of it at this time would only delay a very sensitive issue. I also want to thank Council Chair Rapozo for holding a workshop last Thursday on this issue. I felt that it was very productive, it went extremely well, and look forward to the next one on March 3rd. Interestingly enough, there were seven (7) people who participated and five (5) were in favor of the manager style of government, whereas only two (2) were opposed. Again, I compliment you folks and Council Chair Rapozo, for pursuing this in a very constructive manner. The way it was held, to me, it was outstanding. You had back and forth between you folks and the public came up as many times as we wanted. There was no three (3) minute rule or anything. I just want to say once again about when something is given, I hope the Council will see that the members of the public are given a copy. We should not have to ask for it, a copy of whatever you folks read. Sometimes we are sitting there and were are listening to you, but we do not know what is going to happen. So part of the time your staff over here is good enough to do it...

Council Chair Rapozo: Okay, Glenn.

Mr. Mickens: But sometimes we have to. Okay. Thank you, Council Chair Rapozo. I appreciate it.

Council Chair Rapozo: Thank you. Anyone else?

JOE ROSA: Good morning. For the record, Joe Rosa. I am in favor of this change from the Mayor to the Manager type of Council basically because we got the people of Kaua'i, more people who know their jobs and know their work because a lot of things is going was out on the wayside like what was proven by the late Mr. Ernie Pasion and the Office of the County Auditor. There were eight (8) audits that were performed by Mr. Pasion. It was edited, it was printed out, made available to the public, and yet nothing was ever told. Those are the kinds of things that the buck will stop with you members of the Council and the Manager. I would like to see also when a decision is made by this body, you know what it is going to be a law and not worrying about whether the Mayor is going to veto the thing and it has to come back to you people and then you override it, going back and forth.

(Councilmember Kagawa was noted as present.)

Mr. Rosa: The decision will be made here in this Council and the buck will stop right in this room right here. The public will get to know about it immediately and not have to wait one (1) or two (2) weeks later for a decision. The next thing I would like to see is why should the Board of Ethics decide whether to put something on the ballot? That is something that the public needs to vote and be given the chance because what happened the last time was the Council sort of tossed it around, but then the Board of Ethics just declined it because there was no merit for change. But yet, this is America. This is a democracy. At least today, I see the members of this Council also looking for a change because what was mentioned by Mr. Mickens and in The Garden Island, it shows that the public wants a change, and by this body here doing the action that they are taking and from the thing that they had last week Thursday, it shows that there is definitely interest in a change. I hope that this Council will have the opportunity to pass it, put it on the ballot, give the people a choice, and do not let the Board of Ethics just say, "Oh, there is no merit and the public does not get to vote on it." I thank you. I leave you with that thought.

Council Chair Rapozo:

Thank you very much.

MATTHEW BERNABE: Hi. Good morning everybody. Matt Bernabe, for the record. I have opposed it from the start. I will oppose it if it goes on the ballot. I do not think we should be wasting our time in the sense of actually putting it on the ballot versus implementing some of the best practices into the Administration's Departments. But I will say this, and I am going laugh. I am not worried if you put it on the ballot because I am going to take it upon myself to point out that if you just Google up their things, there is a lot of fails that this ICMA has. They are connected to some scandals that are just as bad, if not worse, than anything Kaua'i has dealt with. So as I sit here today, I agree with the premise that there has to be some change. I just do not think an overhaul to a manager system that we have to go through the corporate entity of ICMA and hire their people and all of that because that is what is going to happen, right? We are not going to go and freelance it. We are going to get an ICMA person. What they do not tell you here, they sit here and say, "If it does not work, we can change back." That is not true. That is a lot of money. That is a whole another set of ten (10) years of going down the process if we do go back. I will say this, recently there has been several scandals and they are not good for ICMA. So if you Google these up, if you are a citizen watching this, do your own homework. Go and get educated for yourself please, because it is not as good as these people are selling it.

Council Chair Rapozo:

Anyone else?

There being no further testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Any further discussion? I did get a lot of E-mails since the last discussion about the County Manager that is being crucified for the lead in the water and the Governor that appointed him. But if you look at the

history of Mayors that have been convicted or indicted, you have got a good bunch of them as well. I do not know if it is the right measuring stick to use because there has been a bunch of Mayors as well, Councilmembers, and Prosecutors. I mean, everybody. I think again, it goes back to what I stated earlier on, "Do not hate the game" because it is not necessarily the game that is the problem. That is what Mr. Bernabe is saying. But I think we have to look at the players. With that...

Councilmember Kuali'i: Can I add one (1) more?

Council Chair Rapozo: Yes, please.

Councilmember Kuali'i: I just want to add one (1) quick thing. What happened in Flint, Michigan and the Emergency Manager, he is called the Emergency Manager, put in place by the Governor, that is a recipe for disaster because basically this Emergency Manager took away the power from the local Mayor and the local Council, and one (1) person got to make all of these decisions only in the interest of the Governor. Somebody who is not even living in that City and responsive to the people. But that is totally different from what we are considering here. It is something different.

Council Chair Rapozo: With that, the motion is to approve.

The motion for approval of the report, seconded by Councilmember Chock, and carried by a vote of 6:0:1:0 (*Councilmember Yukimura was excused*).

Council Chair Rapozo: Motion carried. Next item, please.

RESOLUTIONS:

Resolution No. 2016-19 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE PLANNING COMMISSION (*Glenda Y. Nogami Streufert – At-Large*): Councilmember Kuali'i moved for adoption of Resolution No. 2016-19, seconded by Councilmember Chock.

Council Chair Rapozo: Discussion? Public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Seeing none, roll call.

The motion for adoption of Resolution No 2016-19 was the put, and carried by the following vote:

FOR ADOPTION:	Chock, Hooser, Kagawa, Kaneshiro, Kuali'i, Rapozo	TOTAL – 6,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Yukimura	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes, one (1) absent.

Council Chair Rapozo: Next item, please.

Resolution No. 2016-20 – RESOLUTION EXPRESSING THE SUPPORT OF THE COUNCIL OF THE COUNTY OF KAUAI FOR THE FEDERAL EQUALITY ACT, AND URGING THE UNITED STATES CONGRESS TO ENSURE ITS SWIFT PASSAGE: Councilmember Kuali'i moved for adoption of Resolution No. 2016-20, seconded by Councilmember Chock.

Council Chair Rapozo: Discussion? Councilmember Kuali'i.

Councilmember Kuali'i: Council Chair Rapozo, as the introducer of the Resolution, I would ask that staff read the Resolution, and then I have a very quick eight (8) slide presentation.

Council Chair Rapozo: Please.

Ms. Fountain-Tanigawa: This is a Resolution Expressing the Support of the Council of the County of Kaua'i for the Federal Equality Act and Urging the United States Congress to Ensure its Swift Passage. "BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII:

WHEREAS, the County of Kaua'i is comprised of many diverse individuals, families, and communities; and

WHEREAS, the Council of the County of Kaua'i ("Council") recognizes the equal value, equal worth, and dignity of all of its residents, including its lesbian, gay, bisexual, and transgender (LGBT) residents; and

WHEREAS, even as marriage equality is now law and is celebrated, LGBT Americans from across the country are still vulnerable to discrimination as a result of the lack of fully-inclusive, non-discrimination protections for LGBT Americans in thirty-one (31) states; and

WHEREAS, the Equality Act is intended to end the unacceptable patchwork of non-discrimination laws across the country that threatens the livelihood of LGBT Americans; and

WHEREAS, the Equality Act amends existing civil rights laws to prohibit discrimination on the basis of sexual orientation and gender identity in employment,

housing, credit, and jury service, and amends existing laws to prohibit discrimination in public spaces and in federal funding on the basis of sex, sexual orientation, and gender identity; and

WHEREAS, the Equality Act was introduced in both the United State House of Representatives as H.R. 3185 and the United States Senate as S. 1858 on July 23, 2015; and

WHEREAS, H.R. 3185, was introduced by Representative David Cicilline, along with one hundred seventy (170) cosponsors, and S. 1858 by Senator Jeff Merkley, along with thirty-nine (39) cosponsors (including Hawai'i's Congressional Delegation, Representatives Tulsi Gabbard and Mark Takai and Senators Brian E. Schatz and Mazie K. Hirono); and

WHEREAS, the Council proudly stands with the vast majority of Americans in support of full federal equality for LGBT Americans; now therefore,

BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII, that the Council fully supports the federal Equality Act and strongly urges the United States Congress to ensure its swift passage.

BE IT FURTHER RESOLVED, that a copy of this Resolution be transmitted to United States Senator Brian E. Schatz, United States Senator Mazie K. Hirono, United States Representative Mark Takai, United States Representative Tulsi Gabbard, Governor David Y. Ige, State Senate President Ronald D. Kouchi, Speaker of the State House of Representatives Joseph M. Souki, State Representative Derek S. K. Kawakami, State Representative Daynette "Dee" Morikawa, State Representative James Kunane Tokioka, and Mayor Bernard P. Carvalho, Jr." This Resolution was introduced by Councilmember Kualii.

Council Chair Rapozo:

Councilmember Kualii.

Councilmember Kualii: A very quick PowerPoint. The Equality Act is House of Representatives (H.R.) 3185 and Senate (S.) 1858. It was introduced in this past summer in August. The Equality Act would amend the existing Federal Civil Rights laws to prohibit discrimination on the basis of sexual orientation and gender identity in education, employment, housing, credit, and Federal jury service. The bill would also amend existing laws to prohibit discrimination in public accommodations and Federal funding on the basis of sex, sexual orientation, and gender identity. In short, the Equality Act ensures that the same protections our Nation has already extended based on characteristics like race and religion, are equally available to LGBT people.

Why is this important? Despite significant advances, LGBT people across the Country remain vulnerable to discrimination on a daily basis and too often have little recourse. With the advent of nationwide marriage equality in many states same-sex

couples have the right to marry, but have no explicit non-discrimination protections. In most states, this means that a same-sex couple could legally marry one day and risk being fired from their jobs, evicted from their apartments, or kicked out of a restaurant the next simply because of who they are.

So marriage equality and looking at all fifty (50) states, the Supreme Court ruled in favor of marriage equality, which applies to all fifty (50) states, but thirty-one (31) states still lack clear fully inclusive non-discrimination protections for LGBT people. So being married legally, but still being at-risk for being fired and for wearing their wedding rings to the office the next day. Discrimination is a real and persistent problem for too many LGBT Americans. Nearly two-thirds (2/3) of people self-identified LGBT Americans reported experiencing discrimination in their personal lives.

On the next slide we see the status in all fifty (50) states. Hawai'i is one (1) of the nineteen (19) states that does have non-discrimination protections, but there are thirty-one (31) states, so more than half, that still do not. Then the sponsors are U.S. Senators Jeff Merkley, Tammy Baldwin, and Cory Booker; and then U.S. Representatives David Cicilline, introduced since July, not August. I have to correct myself. July. In the House of Representatives, one hundred seventy (170) co-sponsors and the Senate, thirty-nine (39) co-sponsors including all our Representatives.

The White House also came out in support of the Equality Act in November, this past November 10th, where Press Secretary Josh Earnest announced the Obama's Administration strongly supports the legislation. He referred to the bill as "historic legislation that would advance the cause of equality for millions of Americans and we certainly are pleased with the many legislators in Congress that have stepped forward to try to advance a bill that would deliver comprehensive equal rights for LGBT Americans." Then some of the major corporations that are in support: American Airlines, Facebook, General Mills, Google, Levi Strauss & Co., Nike, and many others.

In closing, I would say to call on folks to speak up, to take action in support of the Equality Act and to contact our four (4) Hawai'i Representatives in Washington, D.C and asking them for their continued support. They are all co-sponsors, but ask for their continued support. I ask for your support today in passing this Resolution.

Council Chair Rapozo:
testimony?

Thank you. Any further discussion? Public

There being no objections, the rules were suspended to take public testimony.

Mr. Mickens: For the record, Glenn Mickens. Thank you, Council Chair Rapozo. I just want to say this is an Act that should have come a long time ago. Our military, I thought, was the greatest example, that "Don't Ask, Don't

Tell (DADT).” It was pathetic. We were kicking people out of service for their sexual orientation, brilliant people, fighter pilots, and interpreters that we needed so badly. So this is an issue that is a long time coming, not just sexual orientation, but for women and everybody’s rights. I think the sooner we get to it. I mean, there is going to be a certain breed of people that were born with families and things that you are never going to take that away from them. But the sooner that the Congress and the United States government pushes this issue, I think it is going to go well. Thank you, Council Chair Rapozo.

Council Chair Rapozo: Thank you.

Mr. Bernabe: Matt Bernabe, for the record. I do also support this.

Council Chair Rapozo: Thank you.

There being no further testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Further discussion? Councilmember Kagawa.

Councilmember Kagawa: Thank you, Council Chair Rapozo. I want to thank Councilmember Kualii for putting forth this Resolution. As I see it, our Representatives do support it already; Representatives Gabbard, Schatz, Hirona and Takai who is not in our District. I feel like they are already supporting it so I mean there is not much that this Resolution will actually accomplish because I do not think other Representatives really care about what Kaua‘i County says. Nonetheless, I think anything can help and hopefully will help. But I am just glad that our Representatives are already on-board. So it is not like we are trying to change the mind of somebody that is conflicted or feels like they may go the other way on this issue. For me, it is basically a rubber-stamp slam-dunk. Thank you, Council Chair Rapozo.

Council Chair Rapozo: Thank you. Councilmember Chock.

Councilmember Chock: Yes. Just real quick. I am very supportive and happy to support this request. I think our future and the future of our world relies on inclusiveness. Thank you for putting this forth.

Council Chair Rapozo: Anyone else?

Councilmember Kualii: I just want to add that we did get a letter from the President and officers of the PFLAG CHapert of Hawai‘i.

(Councilmember Kagawa was noted as not present.)

Council Chair Rapozo: Thank you. I think it just further encourages Congress to do the right thing. I just cannot imagine how anyone would not support this here. But with that, roll call.

The motion for adoption of Resolution No. 2016-20 was then put, and carried by the following vote:

FOR ADOPTION:	Chock, Hooser, Kagawa, Kaneshiro, Kuali'i, Rapozo	TOTAL – 6*,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Yukimura	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

*(*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Kagawa was noted as silent (not present), but shall be recorded as an affirmative for the motion.)*

Ms. Fountain-Tanigawa: Six (6) ayes.

Council Chair Rapozo: Thank you. Next item, please.

Resolution No. 2016-21 – RESOLUTION RELATING TO AN ELECTRONIC RECORDS STORAGE POLICY FOR THE COUNTY OF KAUA'I: Councilmember Kaneshiro moved for adoption of Resolution No. 2016-21, seconded by Councilmember Kuali'i.

Council Chair Rapozo: Any discussion? Public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: I think it is self-explanatory. This Resolution basically authorizes the County to create an electronic records storage policy. The State law has already stated that electronic copies are just as good as an original. So this is really a housekeeping Resolution. With that, roll call.

The motion for adoption of Resolution No. 2016-21 was then put, and carried by the following vote:

FOR ADOPTION:	Chock, Hooser, Kagawa, Kaneshiro, Kuali'i, Rapozo	TOTAL – 6*,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Yukimura	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

*(*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Kagawa was noted as silent (not present), but shall be recorded as an affirmative for the motion.)*

Ms. Fountain-Tanigawa: Six (6) ayes.

Council Chair Rapozo: Next item, please.

BILLS FOR FIRST READING:

Proposed Draft Bill (No. 2616) – A BILL FOR AN ORDINANCE TO AMEND SECTION 22-2.4 AND SECTION 22-10.6, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO IMPOUNDMENT FEES: Councilmember Kualii moved for passage of Proposed Draft Bill (No. 2616) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for March 9, 2016, and referred to the Budget & Finance Committee, seconded by Councilmember Kaneshiro.

There being no objections, the rules were suspended to take public testimony.

Council Chair Rapozo: Any public testimony? Let me just say real quick. This is another housekeeping amendment. When we had done the dog licensing bill a while back, there was an oversight that we saw that there was a separate fee for the stray dogs. So this basically ties the two (2) together so there is one (1) fee for a stray dog whether licensed or unlicensed. It was an oversight when we did that a while back. This just clarifies it.

Mr. Bernabe: Thank you. Matt Bernabe, for the record. I just wanted to use this opportunity, since it is somewhat germane, that recently I was at the Natural Pet store in Puhii. I do not know the exact name of it. But they babysit dogs. I have actually sent a photo to my daughter and I wanted to adopt it. Then we tried to adopt it, and let me tell you. It was not as easy as you think. They want a meet-and-greet with everybody in the house. They want to come and look at your house. They want to do all of these things. It turned me off and I am an avid dog person. If you went and saw me with a dog that I did not know, you would be able...I can tell dog people without being in their home setting. I can tell you that. It just blew my mind that it was so hard to adopt a dog. I just think that if part of their mission is not only to take them but to get them reintroduced into the community, we should have a little bit less standard. Now I understand that you have to have some standards and you have to have some mechanism to make sure that you are placing them. I would just like to suggest that instead of gauging their home, they should learn how to gauge the individual so that they can place them with the right dog. For example, you do not want a bubbly young girl to have a big male Pit Bull Rottweiler. Maybe a female, possibly. But the alpha male is always going to dominate that period. So this is better dog knowledge for me and I am a dog person. I can tell you, anybody school me on dogs, and they will quickly know that I am a dog person. To

me, I would like this opportunity to say that I think that part of the contract should be reevaluated because once I brought this up to people, then it was apparent was not the only one. I would just like to again, take this opportunity to point that out. Thank you.

(Councilmember Kagawa was noted as present.)

Council Chair Rapozo: Thank you. Anyone else?

There being no further testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: There is one (1) more part of the Bill that is not a housekeeping, and it was an intentional change. Right now, the impoundment fee is set at twelve dollars (\$12) a day. In other words, after the first forty-eight (48) hours, the Kaua'i Humane Society shall charge the owner of the dog twelve dollars (\$12) a day. They do not have any latitude as to what...it is twelve dollars (\$12) a day. What they are finding is there are some families coming in to claim the dogs that cannot afford twelve dollars (\$12) a day, and the statute does not provide for a reduction. The second part of the amendment reads, "shall be twelve dollars (\$12) a day." We are just changing that to a "may" because the Kaua'i Humane Society wants to put the dog in the home, but with this current statute, they are required to charge the twelve dollars (\$12) a day, and for some people, they cannot afford it.

The other thing, Mr. Bernabe, I had received a similar complaint regarding the adoption of a dog. I will get with staff to send something over because a very good family was basically turned off because they wanted them to go back to Kapa'a or Kapahi, bring all their dogs to the Kaua'i Humane Society so they could see the social skills of their dogs, and the person said, "I am going to go all the way back in traffic, go pick up my dogs, and displace my dogs to come, sorry. You can keep your dog." So we will put something together and get it across because I agree, that is not how it should be. That is something that we can work with them on. With that, any further discussion? Seeing none, roll call.

The motion for passage of Proposed Draft Bill (No. 2616) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for March 9, 2016, and referred to the Budget & Finance Committee was then put, and carried by the following vote:

FOR PASSAGE:	Chock, Hooser, Kagawa, Kaneshiro,	
	Kuali'i, Rapozo	TOTAL – 6,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Yukimura	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes.

Council Chair Rapozo: Next item, please.

Proposed Draft Bill (No. 2617) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2015-796, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2015 THROUGH JUNE 30, 2016, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Kaua'i Humane Society Barking Dog Enforcement - \$33,901*): Councilmember Kuali'i moved for passage of Proposed Draft Bill (No. 2617) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for March 9, 2016, and referred to the Budget & Finance Committee, seconded by Councilmember Kaneshiro.

Council Chair Rapozo: Discussion? Public testimony?

There being no objections, the rules were suspended to take public testimony.

Mr. Bernabe: Matt Bernabe, for the record. Before I start my testimony, I would like to say that on my position of them being the stewards of going and overseeing this dog ordinance, I have gotten a little bit more towards warming up to the idea after I have met...well, I should not say "met." Once I realized that I actually know some of the people that work in there and I actually trust them as animal people. But with that said, this introduction of a temporary funding, I just want to ask the question, should we not be having the public hearing if we even want them to be the entity or do we want to see if the police could be that entity, or the third proposal that I point out is the County Ranger? At the end of day, I understand that we have to get some fangs in the law, right, because as of right now, there is no mechanism or funding, or do they already have the responsibility of being the officer? That is my question. I think the step before this step is to determine who is the authoritative body that will be going out and serving these people the warnings or going out and observing? To me, and I see the name on it. Well, I saw it on another part. I realize that it is all a push to get them to be in control. I still adamantly want to have the discussion of who could do this the best. I think that should be before we give thirty-three thousand dollars (\$33,000) from the hip. That is what I would like to say. Thank you.

Council Chair Rapozo: Thank you. Any other public testimony?

There being no further testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Further discussion? This is for funding for the current fiscal year. So this funding would expire in June of 2016. It still has to go through the whole process. Anyway, Councilmember Kagawa.

Councilmember Kagawa: Thank you, Council Chair Rapozo. I did not vote for barking dog bill, but now that it is in place, we kind of have got to kind of look at it from a different perspective and try and do what is right to have the law that is in place, have one that is the most fair for the people, and one that if there is a dog barking bill in place, then what is the Council doing to make sure that it works and that there is a way that some of these owners that are inconsiderate of their neighbors and that could be possibly doing more to restrict their dogs from being such pests to their neighbors that we have a way. Being that the Bill is in place, even though I voted against the Bill, I am going support this one because I think we still have to. You cannot be a sore loser. You have got to try to make the Bill work. So I think this is a step forward. I still think we kind of “ready-fired-aimed” a little bit with this because like you said, Matt, I think you brought up a very good point. Could we accomplish maybe the inspections with our Park Rangers? I do not know how many Park Rangers we have? Five (5) or six (6) of them. But I do not think they are busy all of the day monitoring park camping permits and illegal camping or what have you. But the bottom line is we did not look at that. We already passed something. We did not ask the Department of Parks and Recreation, can we have their management oversee our Rangers to expand their job descriptions, what have you, which takes time. You have to work with the unions and all of that. I feel like we got to support the Bill since it is in place, and let us see if works. If it does not work, I would urge the Council to take steps to save taxpayer money and maybe try and work in-house. I am glad that we have an end date on that because I think when you have an end date there is always time to look at our current operations, our current manpower, and try and see if we can accomplish it without coughing out thirty-three thousand dollars (\$33,000). Thank you, Council Chair Rapozo.

Council Chair Rapozo:

Councilmember Kualii'i.

Councilmember Kualii'i: I would just add that I am voting to approve on first reading today. But when we look at this further, I want to see exactly the breakdown for the thirty-three thousand nine hundred one dollars (\$33,901). I believe when we saw something before, an estimate, we were talking about additional staffing time, which was part-time, but also an additional vehicle. I actually want to see the justification for the vehicle and why they are not able to use their existing vehicles because they are using existing staff and part-time staff, if you will. I just want to see the justification before I approve the dollars.

Council Chair Rapozo: Any further discussion? I agree with that. The Bill is for thirty-three thousand dollars (\$33,000) for six (6) months. It does include a truck, a used truck. But my concern is are they using the truck for only barking dogs? I tend to not agree with that. So we will have to massage, and at the end of the day, we will approve something. It is one of those, and I mentioned it on the floor earlier, I would like to see this as a reimbursable cost. In other words, at the end of the month, you tell us how many hours you put towards the barking dog because you could go a whole month without a barking dog complaint or a whole month with a barking dog complaint that was in the middle of the night, which the Kaua'i Humane Society does not respond to. So there is a lot of discussions that still have to be had. I have no problem with what Councilmember Kagawa said. Yes, we

have to fund the bills that we pass, the enforcement of the bills that we pass, and I have no problem with that. But I do not think we should be funding anything that is not being done, and that is the concern I have. We will have that discussion in the Committee. Any further discussion? If not, roll call.

The motion for passage of Proposed Draft Bill (No. 2617) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for March 9, 2016, and referred to the Budget & Finance Committee was then put, and carried by the following vote:

FOR PASSAGE:	Chock, Hooser, Kagawa, Kaneshiro, Kuali'i, Rapozo	TOTAL – 6,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Yukimura	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes.

Council Chair Rapozo: Next item, please.

BILL FOR SECOND READING:

Bill No. 2611 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2015-797, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2015 THROUGH JUNE 30, 2016, BY REVISING THE AMOUNTS ESTIMATED IN THE BOND FUND (*Hanalei Baseyard Fuel Tank Project – \$40,000*): Councilmember Kuali'i moved for adoption of Bill No. 2611, on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Chock.

Council Chair Rapozo: Discussion? Public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Seeing none, roll call.

The motion for adoption of Bill No. 2611, on second and final reading, and that it be transmitted to the Mayor for his approval was then put, and carried by the following vote:

FOR ADOPTION:	Chock, Hooser, Kagawa, Kaneshiro, Kuali'i, Rapozo	TOTAL – 6,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Yukimura	TOTAL – 1,

RECUSED & NOT VOTING: None

TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes.

Council Chair Rapozo: With that, can we have the Executive Sessions, please?

EXECUTIVE SESSION:

ES-833 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Kaua'i County Charter, Section 3.07(E) the Office of the County Attorney requests an Executive Session with the Council, to provide the Council with a briefing and request authority for a possible settlement proposal in a claim filed by Charlene and John Clark and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

ES-834 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Kaua'i County Charter, Section 3.07(E) the Office of the County Attorney requests an Executive Session with the Council, to provide the Council with a briefing and request authority for a possible settlement proposal in a claim filed by Mark and Misty Young and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

Councilmember Chock moved to convene in Executive Session for ES-833 and ES-834, seconded by Councilmember Kaneshiro.

Council Chair Rapozo: Discussion? Public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Seeing none, roll call.

The motion to convene in Executive Session for ES-833 and ES-834 was then put, and carried by the following vote:

FOR EXECUTIVE SESSION:	Chock, Hooser, Kagawa, Kaneshiro, Kualii, Rapozo	TOTAL – 6,
AGAINST EXECUTIVE SESSION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Yukimura	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.


Ms. Fountain-Tanigawa: Six (6) ayes.

Council Chair Rapozo: With that, that concludes the business of today's agenda on the regular agenda. We will reconvene at 1:30 p.m. for public hearings. Thank you

ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 6:44 p.m.

Respectfully submitted,

A handwritten signature in black ink, consisting of a large loop followed by several smaller loops and a long horizontal stroke extending to the right.

JADE K. FOUNTAIN-TANIGAWA
County Clerk

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